

## The Publisher to the Reader.

**T**Hese Papers were sent me by a very Worthy Divine of the Church of England: Upon the perusal of which I found (with submission to better Judgments) the late and present Proceedings so well vindicated, and all Scruples arising from the alteration of Affairs, so well answered, that I judg it would be very injurious to the Publick (tho the Author, through his great Modesty, bath mean thoughts of his own Performances) if I should have returned them to be buried in a Desk.

I know indeed, several Treatises have been published of late, with great Judgment and Satisfaction on several Points here handled, (particularly about the Old and New Oaths) but none as I know of have gathered together all the Parts of the great Revolutions in England, and represented them in their true Colours, as is performed in this Friendly Debate, to the great satisfaction of all that are truly sensible, and even to the Conviction of such among us, who earnestly invited the Deliverer, (our present King William) but now very ungratefully reject that Deliverance, of which God hath made him a Glorious Instrument.

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1739  
A

# Friendly Debate

BETWEEN

Dr. Kingsman, a Dissatisfied Clergy-man,

AND

Catianus Crimmer, a Neighbour Minister,

CONCERNING

The late Thanksgiving-Day; the Prince's Descent into *England*; the Nobility and Gentries joining with him; the Acts of the Honourable Convention; the Nature of our English Government; the Secret League with *France*; the Oaths of Allegiance and Supremacy, &c.

With some Considerations on Bishop *Sanderson*, and Dr. *Falkner*, about Monarchy, Oaths, &c.

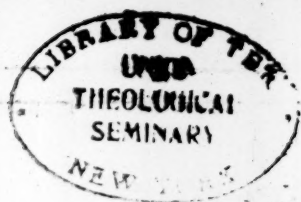
Written for the Satisfaction of some of the Clergy, and others that yet labour under Scruples.

By a Minister of the Church of England.

L O N D O N;

Printed for Jonathan Robinson, at the Golden Lion in St. Paul's Church-Yard. MDCLXXXIX.

174  
x 14  
282



A  
FRIENDLY DEBATE  
BETWEEN  
Dr. KING'S-MAN  
AND  
GRATIANS TRIMMER,  
About the THANKSGIVING-DAY, &c.

*King's-Man.*

**G**ood Morrow to you Sir, I am come to see you this Monday Morning, to Recreate my self with you, hoping to find you to Day at leisure to discourse.

*Trimmer.* Sir I am glad to see you here, a Sign that the Times are come about, or else I should not have thought of such a Favour from you. And I am glad to hear you use the Word Recreate, a good sign that you took Pains Yesterday, that you desire Recreation to Day. I pray Sir, be pleased to take a Chair. I was just now thinking what Text to preach upon next Thursday, the *Thanksgiving-Day*.

K. Had you any Legal Notice of it, or Orders from the Bishop?

T. No Sir, but I hear there is a Book come to Mr. — of — and tho they care not for the Service, I look'd for one from the Ap-  
pitor, for the sake of the Shilling.

K. And did you give notice of it in the Church?

T. Yes.

K. And what Text have you thought on?

T. I have thought of those Words, *Judges 5. 9. My Heart is toward the Governours of Israel, that offered themselves willingly a-*

B

*mong*

## A Friendly Debate between Dr. King's man,

*among the People: Bless ye the Lord.* But I may pitch upon another.

*K.* Is not that in the same Chapter, with that *Rebellious Text? Curse ye Meroz.*

*T.* Yea, it is. But I thought there had been never a *Rebellious Text* in Scripture.

*K.* No, And therefore it will be hard for you to find one for a *Thanksgiving*, on this Occasion.

*T.* Why so? Do you think *Rebellion* to be the occasion of this *Thanksgiving*? But if there were such a bad *Text* in the Word of God, I would find a better for this Occasion.

*K.* I thought what the *Whiggs* and *Trimmers* would at last bring us to.

*T.* So you see indeed, that the *Trimmers* (the finest Nick-name that was ever given to honest Men, that were for the settlement of Affairs on the truest bottom) have brought the Boat to a sight of Land, and I wish it well at Home in the Haven of Rest and Peace. But do you know whither you were going, in the *Royal James*, hanging out the Flags of Loyalty; and by an Arbitrary Power, against all Law, pressing all the Vessels in the River to carry the Pope and Cardinals, to visit *England*, with all their Stuff, and Merchandize, and to command all that would not go, passively to lower, and strike Flag to you, or else to be sunk?

*K.* But you do not blame us for our Loyalty, do ye? The Church of *England*, and her Friends, have been ever Loyal: And it is her Honour, which she hath never prostituted yet; whatever other Reformed Churches have done, that Honour of Loyalty is peculiar to our Church.

*T.* No, I do not blame you for Loyalty, in the truest Notion of it, which the *Trimmer* understands better than any of you. His Notion of it is, that Loyalty is Duty and Obedience according to Law. And as for the Glory of the Church of *England*, as it is called, and said to be peculiar to her, I do think her Sisters beyond-Sea are as honest as she; and whatever your Mother is, some of you her Sons have got no Honour by making Court to the Mother of Harlots. And they who can disparage their Aunts abroad, or disown them as no Sister-Churches, because they have not Lords for their Husbands, and wear not the same Dresses, do not consult the Honour of their own Mother. And I doubt they will have but few Friends left 'em, who abandon them as no Friends to the Church, who have appeared

in

in this Cause. But because you are so civil as to give me a Visit, I will not displease you, by a rehearsal of the famous Actions of Loyalty, and Heats, or ingenious Discourses of Government, produced by your Friends. As you were very near to be destroyed with us by your over officiousness, so I am abraid your ill tempered Loyalty will prove pernicious to some, and that you will yet endanger all, by that kind of Loyalty which some have called a principal Article of Religion. Loyalty is one of the prime Duties of the Fifth Commandment, and it relates to an object Duty placed, and to a Rule plainly determined. I will be Loyal to a Popish King, but if I may not have the King, but I must be in danger of being corrupted by Popery, or suffering to extremity by it; I think I have cause to adore the Providence which hath delivered me from both, without Blood, and Destruction upon Destruction. If the King had kept his Religion to Himself, tho he made the worst choice, and not gone about to impose it, and set it up upon the Ruine of the Government, He might have governed the Kingdom in Peace and Honour. But it being out of his own Power, since he subjected himself to the Conduct of the most Pestilent Society in the World, to have his Faith to Himself, without forcing it upon his unwilling Subjects, you can never preserve the Virgin Virtue of Loyalty from being guilty of committing Folly in *England*. And so being Loyal to the King, as you call it, you are Disloyal to Christ the Supream Head of the Church, and treacherous to the Souls of many that are liable to Temptation, to yield to its Charms, or be exposed to its Furies. You must choose either Holy-Water, or Blood. Had he been driven away by the Flaming Sword of Rebellious Subjects, you might have some pretence for your Murmurings, but not daring to trust his own great Force, nor the Men of his own Religion, and having no Confidence in God, whose tremendous Providence hath conveyed him away: I think you have no cause to wish for him again; but to think that well done, which God hath done.

K. But can you think the Nation innocent in this matter? And if our Deliverance from some Mischiefs be considerable, yet if the People have sinned, we have small cause to be thankful. And seeing, I have no Legal Command from my Ordinary, and that *Ash-Wednesday* is the Day before; I will keep that, and hope no notice will be taken for my not observing the other.

T. And why not both? I am sure you have not been so nice about other Thanksgivings.

## A Friendly Debate between Dr King's-man,

K. I have no Book.

*Our Prayers for the Queen and Prince of Wales were commonly called Modest Prayers.*

T. Then you want a Book of Prayers modestly penn'd. Will you do nothing from your Heart, no more than you will do without Order by the Apparitor on your own Head? But will you read the Litany, and Denunciations, *sicut olim*, as you are commanded to do on *Ash-Wednesday*; or will you omit them?

K. I will do as the Law requires, and according to my Declaration of Assent to all and every thing contained in, &c.

T. Then you will still pray for the King, tho he deserted the Kingdom, not as much as leaving a Commission for Administrators in his Absence; then you will pray that he may be kept and preserved in the true worshipping of God, which he hath not done since he became a Papist; then you will pray for the Queen and Prince of Wales still, right or wrong; and that God would give the King the victory over all his Enemies. What without fighting? And who are they? Are they reputed his Enemies, or his Friends who sign'd the Association at *Guild-Hall*? and do you pray, he may be in a condition to fight against them, and overcome them too? And who will you mean when you denounce him Cursed who removeth his Neighbours Landmark? The King who turn'd out the President, and Fellows of *Magdalen-Colleag* (which is a little more, than gaining a little Ground by removing the Land-marks :) or the Convention, who labour to find out the ancient Bounds, and Foundations remov'd by Arbitrary Government? for my part, I deal truly with you, I cannot pray every Petition, contained in the Book of Common-Prayer, notwithstanding Assent declared, for tho there be no Alterations made in the Book, there is an Alteration made in Things and Persons that I look upon my self, as so far discharged from the Obligation of the Act, except I should offer that to God, which I believe he will not accept.

K. Then you will presume to make publick Prayers of your own, without Authority?

*When this was written, I had no Book, but rather than loose a Shilling for a Book not worth Two Pence, after*

*the Rate of Paper and Print, so basely Printed that it would even blind a pair of Spectacles to read it; I had one sent me the Evening before, in which there was no Order for a Sermon, nor Homily against Rebellion. And therefore they who preached not that Day may plead their Excuse, for none was required.*

blotted

blotted out several parts of the Common-Prayer, and transported the King, yet that Command, and Act of his Will continues still in force, *Let Prayers, and Supplications, and giving of Thanks be made for all men, for Kings, and such as are in Authority.* There are some still in Authority, and therefore I am obliged to pray for them, and to give Thanks. And tho I cannot make Versicles, for a Dialogue between the Minister and Clerk, there are Psalms and Chapters as proper for this service, as for other, and I hope more proper than those for the Prince of *Wales*, and the Queen's being with Child, and I might name more than those. And I hope to find matter enough for a large Thanksgiving.

K. But where will you find Precedents in Scripture for the Insurrections of Subjects against their Lawful Prince and Sovereign? or for a Son and Nephew to invade the Kingdom of his Father and Uncle? or for a Convention of Subjects to depose their natural Lord and King?

T. I might ask you as many Questions on the other side: But not to tire my self with talk to Day, I will come home to the Present Case, and lay all these things together.

1. The King being a Zealous Papist, (wishing all his Subjects *The Case opened* were of his Religion, in the Declaration of Indulgence) and governed by the Jesuits, it is impossible for him to keep his Word, or Declarations made to his Protestant Subjects, any further than shall serve their Designs, and Interests.

2. How the King kept his Promises to govern by Law, to invade no Mans Property, to maintain the Church of *England*, ask the Judges, enquire at *Cambridge* and *Oxford*, and the late Chancellor, and Ecclesiastical Commissioners.

3. Popery was disseminated all over the Land, Mass-Houses publick, Papists put in Offices, Schools opened, and taught by Jesuits, &c. contrary to Law.

4. The King declared Himself absolute, having an inherent power in Himself to dispence with Statutes. Another Argument, that there was no hold to be taken of his Word or Promises. For if he do not keep the Statutes made by his Royal Assent and his Predecessors, how can we expect firmness in verbal Promises and Declarations? And if his Power be Arbitrary, and absolute, he may change and recede from his Word, as often as he doth change his Mind, and Councils.



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King James II.  
chang'd the Go-  
vernment.

5. He changed the form of Government, and Constitution from an English Monarchy, and Independent; from an imperial Crown, to a subjection to the Pope, and Sec of *Rome*. And whether He be any longer King of *England*, than he is Supreme in his Dominions, and that in Opposition to the Bishop of *Rome* by Name, I dare refer it to your self. He hath lost his legal claim to the Monarchy of the Kings of *England*, by Subjection to the Roman Pontiff.

K. But tho he has, yet the Order and Authority of Kings being of the Law of Nature, He is Sovereign still, tho he hath degraded Himself from the dignity and Supremacy of the King of *England*, by the Law of *England*.

T. Sir You are mistaken in that Point; for you cannot say that the Superiority of the Pope over Kings, is of the Law of Nature; if not, then that King that is Superior above all in his Dominions by the Law of Nature, and yet doth subject himself to the Pope, doth give up his Natural Right to one that hath no Natural Right, and doth thereby violate, and change the Constitution of Nature, and therefore hath lost His Claim to a Sovereignty by Nature.

K. But the Scripture doth establish the Order and Superiority of Kings, and therefore he holds his Crown and Scepter, by Scripture-Patent, and Divine Right. *Can.* 1640.

T. I ask you again, Doctor, Is the Supremacy of the Pope over Kings by Divine Right? if over Kings by Divine Right, then much more over you and me: (if you grant it, so will not I) But he hath no Divine right to a Supremacy over Kings, and yet the King hath Submitted to it; therefore hath he not lost and forfeited his Pretence to Sovereignty by Scripture, and Divine Right? and by consequence, hath he any Right to Sovereign Dominion? I put it to you. Beside, the Scripture doth constitute a perpetual form of Government.

K. But your supposed Wrong, is a wrong to Himself. And our Relation of Subjects to him, is unalterable, and perpetual.

T. You are out again, by your favour, as I conceive with respect to your dignity. For the Wrong is a Publick, and General Wrong to all his Protestants Subjects, and not a private Injury to Himself onely. Our relation as Subjects, is to a King, and we are Subjects no longer than he is King, as we are no longer Children, than we have Parents: if he cease to be a King by Subjection to the Pope, I am discharged from being a Subject; for I am a Subject to the

King,

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The Relation of  
Subjects to the  
king.

King, and not to him who is no King, or hath made Himself none. My relation to the King is to a Royal Person, vested with Royal Authority, and the Law of the Land is the Measure and Bond of that Relation. If the Person to whom I am related, have disrobed Himself of his Royalty, tho the Natural Person be in Being, yet the King is gone; as Sir *Thomas More* said, the Lord Chancellor is gone, when his Person was there present, but out of his Office.

K. But how then came the Peers and People of *England* to acknowledge him at his Coronation, and in Parliament, if his Religion, and Submission to the Pope made him none?

T. Sir, I did not at first intend to speak of these tender points, but you began it, and I hope you will not make an ill use of it. I give you my answer clearly. 1. The Peers, and People own'd him as King at his Coronation, for then he swore, or was thought to swear to govern by Laws. 2. In Parliament, (if that may be called a Parliament, who had a great Number, that were not Elected by the Commons, but returned by Arbitrary Sheriffs and Mayors) he appear'd in his Legal Capacity acting according to Law. 3. The Peers and People suffered quietly and dutifully, till their Consciences could bear no more, or their Heads, Families and Posterity were near Destruction. There was all Durisulness and Loyalty, Tribute and Customs paid him by all Ranks and Degrees of Men, as long as there was any Hopes.

6. As he altered the Government in his own personal Dignity, so he manifestly destroy'd the other part of the Constitution, the Right and Liberty of the People in free Elections, and frequent Parliaments; and so no part of the Government was safe.

7. And to entail our Miseries, there was an Infant set up for Inheritor of the Crown, of whose Natural Descent no legal Proof was made, or can be, as is rationally presum'd. And by the way the King could not be safe, but during the pleasure of the Jesuits, who having an Infant King, and who could raise a Succession, as fast as one died, could domineer the more, and send the King to the other World.

8. There was no hope left of Redress of present Grievances, or prevention of utter ruine to the Protestant Interest of the Kingdom. And consider, that these things were not personal Infirmities and Defects, or Male-Administrations, or private Injuries and Oppression; But the greatest Violation of Trust, and Breach of the Constitution, that was ever avowedly made, growing hard upon a down-right overthrow, and utter Ruine.

9. Lastly,

*The Nation pass-  
five as long as  
there was any  
hope of Redress.*

## A Friendly Debate between Dr. King's-man,

9. *Lastly*, There was a Destructive Conjunction of Interest and Design with a Foreign Tyrant to bring us and our dearest Relations into like Condition with *France* and *Savoy*. Were not the *French* Assistances expected, to turn beautiful *England* to an *A-celdama*? What made the Priest in the *Lady Cary's* House, conclude the *Dutch Fleet* to be their Friends the *French*, for whose Entertainment great Provisions were made, and to go to the Chapel to Sing *Te Deum*? Sir, We have as great Cause to keep every day of *November* as a Thanksgiving, as we have to keep the 5th, now challenging our Thanksgiving to all Generations, for our Deliverance from the Powder Plot, and League with *France*, by the most Happy, Seasonable and Successful Arrival of his Highness the Prince of *Orange*, now our Elected King. Whom God long Preserve, With his Royal Consort, now our Gracious Queen.

And now, Sir, Be pleas'd to speak, what would you have us do?

*K.* The Christian Course is well known; Petitions, Prayers, Patience, Tears.

*T.* As for Petitions, you know the King sent the Bishops to the Tower for an Answer, and thence brought them to the Bar. A warning to Petitioners! Prayers were used, by such as you know, rather to harden than soften the King's Heart. Was he not commended to God, still as his chosen Servant? Was he not pray'd for, as if he had worshipp'd God in the best and only way? and several other Prayers little better. As for Patience, it was exercised to the last Day of Safety. And as for Tears, we durst not shed them for the King, nor for our selves under him, for by *Immuendo's* they had been Seditious. What! keep an Anniversary of Joy for his coming to the Throne, and weep too? We had cause, more than we knew, of a long time to weep and howl too, for the Miseries that were coming upon us. Had not God most seasonably and powerfully turn'd the Stream of the Proceedings of our Adversaries, all *England*, that would not bow the Knee to *Baal*, had been a *Bochim*, a Vale of Tears. How useful and divine soever this Persuasion to Prayers and Tears may be, yet when I consider for whose Service these Exhortations were so openly made, even for theirs (tho' not so intended) who have the sharpest Bryars and Thorns to whip Slaves into Tears, and then put an end to their Praying, by cutting their Throats, much of that Preaching might have been spared.

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There are many Evangelical Doctrines necessary to Salvation rarely touch't upon by such Preachers. I do much wish there were Streams of penitent Tears running from our Eyes, and more fervant Prayers of the Righteous sent up to Heaven. But notwithstanding the great Scarcity of both, I think it a great Duty to give thanks to God, for delivering us from the Hands of our Enemies.

K. You do not know but the King's Heart might be changed. He did a great deal in a little time for the Satisfaction of the People, in restoring Charters, and declaring he would Call a Parliament, and offered Pardons to his Enemies.

T. We know these Acts of Grace, and when they were made publick. Of these see the Sence of the Prince of *Orange* in his Declaration. What if the Counsellors and Tools advised these Acts, to Cast us into a sleep, and to gain time for *French* Preparations? You may see what the Nation did, and what Methods of Proceedings were used.

1. Many of our Peers and Gentlemen of Honour and Interest, first represented the State of the Kingdom to the Heirs Expectant of the Crown, and therein declared, That their Highnesses, if no Prince be born to the King, have an unquestionable Right to defend the Legal Monarchy, *Rege etiam veniente*. That the People of *England* have an Unquestionable Right to seek Assistance from their Royal Highnesses. That the Ancient Kings of *England* acknowledged the Peoples Right to save their Free Government, *&c.* See the *Memorial*, p. 26, *&c.*

*What Methods were used for our Preservation.*

*Our Case stated on the Nations part.*

If the Prince and Princess have Right to defend, and the People of *England* a Right to seek that Defence, wherein doth the Iniquity of both, or of either appear? especially considering the Nominal Prince of *Wales*, being not an undoubted Heir.

*Note this.*

2. The Prince and Princess timely dealt with the King, in a most dutiful manner, proposing Expedients to compose and settle the Nation; as appears by Pensioner *Fagel's* Letter, and Vindication. But the Contrivers of our Ruine, both in Soul and Body, proceeding to obstruct all healing Methods; His Highness put forth his pious and just Declaration of his Reasons and Intentions to come over into *England*. The Reflections upon it are very wordy, and weak. See the Declaration.

*Our Case stated on the Prince of Orange's part.*

3. If the Prince of *Orange* had no Interest by proximity of Blood to seek the Preservation of the Church and Kingdom, Why might not he come over to us, as righteously to deliver us, as Our

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former Kings, and Queen *Elizabeth*, have assisted forreign Protestant States, and Sufferers, by Money and Arms?

4. The Miseries of the Protestants in *France* and *Savoy*, and the Dangers which threatned all Protestant Kingdoms and Sates, by the Power and Blood-thirstiness of *France*, and the Popish Confederates, awakened Protestant Kings and Princes to prevent the Desolation of their Countries and Religion, to enter into a League, and to begin with *England*, to rescue it from its growing Perils, and to settle the State of it, as knowing what an Influence its Preservation or Destruction would have upon Countries of the same Profession. And his Highness the Prince being so deeply engaged in that League, he must, as a Christian, prefer the Glory of Christ, before all Obligations of Relation as a Son and a Nephew. Yet still performing all the Duties of that Relation, in which he hath not been wanting, as far as is consistent with the Common Cause and Interest. And respect to the Common Protestant Interest and Engagement, prevail'd with his Highness the Prince of *Denmark* to go over to the Prince of *Orange*, as he professeth in his Letter to the King.

5. The Prince in his Declaration invited All Degrees and Orders of Men in the Kingdom to come in and joyn with him, to promote his Ends, in getting a Free Parliament, to which he refers Himself, and the Settlement of Church and State. Should the Nobility and Gentry look on, and see him ready to Fight in their Defence, and give him no Assistance?

K. Yes, certainly! for they ought not to assist an Invader against their King.

*The Case stated  
rests upon this  
as one chief Pil-  
lar.*

T. If they have right to relate their Grievances and Pressures, and to call him to their Rescue, there being *no other way left for them*; and if he have Right and Interest in *England*, which he cannot give up for lost; and if that which he desires, is neither Crown, nor Conquest, but the Preservation of the Government, in a lawful Parliamentary-way, then the Invasion is not the Invasion of an Enemy, but the coming in of a Saviour to deliver us. That the People of *England* have right to defend their Government, they prove in their *Memorial*, quoted before.

K. But do not you know that Private Persons are not fit Judges, whether their Present Case be such, in which they may lawfully resist or no?

T. I remember something to that purpose in Dr. *Falkner*, and he quotes the more Corrected Judgment of *Grotius* (differing from what he had written in his younger Time) upon *Mat. 26*. But, Are the wisest Noblemen, Gentry and Lawyers of the Land unfit to Judge of this Case? Doth their incapacity to judge rise from the Privacy of their Condition? or what else? A private Man well studied in the Laws and Constitution, is as able to judge when that is Violated, as more Publick Persons, and a good Lawyer in his Study knows the Law as well as many a Judge upon the Bench. Besides I distinguish between a particular private Man, or more sustaining private Injuries or Oppressions, or some lesser Bodies and Corporations, and the Community of the whole Kingdom. They who have appeared for the Prince of *Orange* are by far the Majority of the whole Kingdom, and men of as great Understandings, as any of those who drove them to this Course. This Resistance was not in a private Cause but the Essentials of the Government, and Concern of the Kingdom. And therefore, what the Doctor saith, and quoteth out of *Grotius*, is nothing to our Case.

*Christian Loyalty, Book 2. P. 365. P. 373.*

*The Nobles and Gentry who appeared in this Action, not meer private Men.*

And, for a fuller understanding of our Case, I pray, Sir, remember what the King did.

The Prince, and Majority of the Kingdom declare for a Free Parliament, for the Protestant Religion, and for the Laws, and Government by Law. Can any King that is a King by Law, sworn, and obliged by Promises to govern by Law, refuse to grant what the Kingdom desires?

*Our Case opened on the Kings part.*

But He on the Contrary,

1. Prepares a Royal Navy, increaseth his standing Army, calling in many thousands of Popish Irish, and of Scots, tho not all Papists, yet as he thought for his purpose.

2. Tho he declared he would summon a free Parliament, yet he sent out but few Writs, which came to nothing.

3. He prepares to defend his Cause, and to oppose the Prince and Kingdom by the Sword: Whereas if he had pleased in convenient time to call a free Parliament, he had satisfied his Subjects.

4. When the Prince advanced, the King went out in Person to his Army, declaring an intention to fight.

5. But when the Armies were not far asunder, and an Engagement expected by the Prince, Behold! the Sovereign Power of the Lord of Hosts upon the Spirit of the King, He deserted his Ar-



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my, upon which he laid the whole of his Cause; And so far he quitted his Cause, which was to be maintained by Force, and not by a Legal Parliament.

6. And lastly, as you very well know, he gave up his Army and Navy to the Prince of *Orange*, and went off, without Force or Threatning; for what Reasons, or upon whose Advice, is not altogether Unknown.

Upon the whole of what I have very briefly exercised your Patience with, I conclude, *Our Case is Extraordinary.*

*Our Case in all  
Circumstances  
extraordinary.*

It is Extraordinary; 1. That our King should be a Papist, and subject to the Abhorred Bishop of *Rome*.

2. That he should overthrow the Foundations, tho not pull down all the Superstructions of the Government, and begin with his own Sovereign Dignity, own a Superior, the Pope, to whom he sent an Ambassadour, and from whom he entertained a Nuncio.

3. That he should go about to force, and pack a Parliament, and therein destroy the Liberties of the Subject, which are as legal as his Prerogatives.

4. That when a Parliament is desired, He chose rather to put his Cause upon the Swords Point, and really into the Hands and upon the Determination of God, who is the Lord of Hosts, tho he did not refer it to the Judgment of God formally, and in words, than into a legal peaceable way.

5. And having deserted his Army without Battel, I desire your Information of me whether it was not a giving up of his Cause?

6. It was altogether extraordinary too, that Subjects might not have encouragement to Petition for their just Rights, when they saw Ruine drawing on, by the encrease of Popery, and Combinations of Papists to root out the Protestant Religion, according to the Doctrine of their Church. And being debarred of any Legal Means, the most Eminent of the Kingdom (not the *Plebs*, and *Vulgus*, the private Men, that are judged unfit to judge of their Rights and Dangers) call for Assistance from the Heirs Expectant; that the Illustrious Prince should enter the Kingdom with an Army, that almost all the Kingdom were ready to assist according to their Abilities; that he should march so many Miles without a Skirmish; and instead of finding a Royal Army in a posture to fight, he found it discharg'd from fighting, by the King Himself: And in fine, found an open and uninterrupted Passage to Royal Palaces, and the whole Force



Force of the King delivered up to him. If this be not rare and extraordinary, never was the Finger of God seen in any wonderful Work and Turn. This is the mighty Work of God! whom wonderful in working! And extraordinary Providences, being either in Mercy, or in Judgment; I see a great deal of Mercy, a Mercy as great and extraordinary, as the appearance of the Hand that gave it to us. And I make no question, but the Night that was coming upon us, would have been as dismal and dreadful, as the Day of our Deliverance is glorious and memorable.

*By a Letter  
from the King  
to him.*

K. I own the Providence is extraordinary, and the Action without example. But still how can you publicly rejoice, at the Success of a Rebellion against our Sovereign? Is it not against established Laws? and against our Oaths?

T. Sir, I will be as brief with you as may be.

1. Can sinful Men do any thing without Sin? And is it not one of the Perfections of God to carry on his own Purposes, by those very Actions of Men that are sinful, *Gen. 50. 20.* and many Instances hereof might be given.

2. There were many and great Sins committed, before the Kingdom was provoked to this extraordinary Course; Arbitrary Power is subversive of the Constitution and Laws of this Kingdom, and the Advancement of Popery the introducing of all manner of Sins and Miseries.

3. In extraordinary Cases, we are carried beyond ordinary Rules. As there is no written Law, to warrant the Subjects taking up Arms against the King, but forbidding them; so there is no Law of God, or Man, that warrants the King's turning his Power and Sword against his Subjects. The one is as unlawful as the other. There is not an Oath given by the Subjects to the King, but the King is in Conscience bound to answer by his goodness to them.

*No ordinary  
Rules for extra-  
ordinary Cases.*

4. Our Constitution and Laws, do suppose an intire Union of Affection, Interest, yea and Religion too, between the King and his People. And as express Laws and formal Oaths do forbid Subjects taking Arms, and other Acts of Disobedience, so the very Being, and Relation of a King, and Rules of Government, bind him as fast, not to oppress them, or invade their Rights. They have Rights, and are a People as free from Tyranny, as any people in the World.

5. The strictest Obligations in Religion and Conscience mutual between King and People, must always suppose God's Sovereign Right:

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Right to dispose of Kingdoms, to put down one and set up another. And it is suitable, to think that when God doth appear by great providences, great Changes follow. Hitherto we see extraordinary Mercies! And I beseech you, shew me wherein have the Subjects of *England* sinned against the Person, Crown, or Dignity of the King, to necessitate him, to prepare Armies against them, who were constrained to take Arms, or be destroyed by Papiists?

*K.* But tho God doth act according to his absolute Dominion, yet he acts according to his infinite Wisdom, Righteousness, or Mercy; and tho His infinite Majesty doth whatsoever pleaseth him, yet we must walk according to Rules, and keep our Places. Now the King of *England* being a Sovereign Prince, Supreme over All Persons, and we being bound by so many Oaths to maintain his Crown and Dignity, and not to take Arms against his Person, or those who are Commissioned by him, on any Pretence whatsoever, this Action must needs be unlawful in it self, and not the less sinful, because successful.

*T.* Sir, I will take your Reasons in Order. And because I cannot carry Books in Memory, and shall have recourse to some few, I pray let us go to my Study, if you can stay there so long without a Fire.

*K.* Come let's then, I can endure the Cold as well as your self.

*Absolute Kings  
no Ordinance of  
God.*

*T.* 1. Then, I cannot believe that God or Nature ever gave an absolute Power to Kings. An Absolute King, is so called, because he is, *non Legibus solutus*, not bound by Laws. One that gives Laws to Others, but is above all Laws, and not tied to any Himself. When God did foresee that his People *Israel* would in time grow weary of the Theocracy, God's Government over them, and desire to be governed like other Nations, yet that King that should govern them was to be bound to observe the Law, in the Statute-Book of God, *Deut.* 17. from the 15th to the 20th Verse. No one Man since the Fall was Wise, or Righteous, or Powerful enough, to have the absolute and Arbitrary Rule of any people. And I suppose Tyranny is not an Ordinance of God, but a Corruption of Government.

*Bp. Saunderson  
considered.*

*K.* But consider what the learned, judicious and Excellent Writer of our Church, Bishop *Saunderson* saith of this. *Preface before Arch-Bishop Uther's Treatise of Power communicated by God to the Prince.* Sect. 12.

*T.*

*T.* I have considered it, and have wondred, to read these words. *True it is that for more ease of Governours, and better satisfaction of the People, in securing their Properties, preserving Peace among them, and doing Justice, the absolute and unlimited Sovereignty which Princes have by the Ordinance of God, hath at all Times, and in all Nations been diversly limited and bounded in the ordinary Exercise thereof, by such Laws and Customs as the Supreme Governours themselves have consented unto and allowed, As with us in England, &c.*

Now, Doctor, with all due respect to you, and that great Writer, I offer you these Reflections. 1. He affirms that the *absolute and unlimited* Sovereignty which Princes have by the Ordinance of God, &c. if they have an unlimited Sovereignty (which I acknowledge they must needs have, if it be absolute) by the Ordinance of God, how dare they consent to limit it, which is to change the Ordinance of God? 2. *As in England, &c.* Then I say, the Sovereignty of the King of *England* is bounded by Laws and Customs, and therefore not absolute and unlimited. 3. Tho their Sovereignty be limited by their own Consent, it is limited after their Consent is given. 4. It is limited by their own Consent, as all other Statute-Laws are made by their Consent, and what they consent to, is past by the Consent of the Lords and Commons in Parliament first.

*Sovereignty of the King of England limited.*

Sir *Orlando Bridgman*, afterwards Lord Keeper, in his charge to the Grand-Jury of *Middlesex* at the Trial of the Regicides, took pains to declare our Government, *pag.* 10. He opens the Power of our Kings, from the Titles that are given them in Law-Books, and most upon the Title Imperial Crown, subject to God, "and to no other Power. What is an Imperial Crown? it is that, "which as to the Coercive part, is subject to no Man under God, "humane Tribunal, or Judicature whatsoever, *pag.* 11, 12. "God forbid I should intend any Absolute Government by this! And *pag.* 68. Yet let me tell you, there is that excellent "temperament in our Laws that, for all this, the King cannot "rule but by his Laws, *pag.* 12. Tho this is an absolute Monarchy, yet this is so far from infringing the Peoples Rights; that "the People as to their Properties, Liberties, and Lives, have as "great a Priviledge as the King. *pag.* 13.

*K.* But read further, and then you will see, that when he saith, "We have as great Liberties as any People have in Christendom, in the

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" the World, he adds, But let us own them where they are due.  
 " We owe them to the Concessions of our Princes. Our Princes  
 " have granted them; and the King, now; He in them hath  
 " granted them likewise. Therefore the King is the Fountain of  
 " all the Liberties of the People, they are his Gracious Concessions.

T. That will not help you to infer, that the Kings of *England* are absolute unlimited Sovereigns. There are no People in the world give greater honour to their Kings, than we of *England*, as the learned Sir *Thomas Smith*, Privy Councillor to *Queen Elizabeth*, and Embassador in *France*, when he wrote his Book *De Repub. Anglorum*, pag. 47. Their way of asking any thing in Parliament, tho they have right to the thing, is by way of Petition, and as Subjects; and do acknowledge all the good Acts to be the Gracious Acts of the King. But there are two sorts of Concessions and Grants. 1. Such as are Concessions of meer Grace, of such Benefits, as the Commons have no right to Claim. And, 2. There are Concessions of Right, and signify no more, than the King doth Consent to such Bills, as are presented by the Lords and Commons; and so all our Rights and Properties secured by Law, are Concessions. And all those Concessions, as Grants and Charters, that are more Acts of Grace than some others are, are for some publick Benefit, and redound to the King's Honour, Profit, or Service: And such Concessions as these flow from Prerogative, which Prerogative, as all Legal Prerogatives are the Kings by Law. There are mutual Acts of Kindness between a good King and his Subjects. And the Commonwealth is happy when such mutual demonstrations of Love, Grace, and Duty pass between them. But there are Concessions also made to the King by his Subjects in Parliament, which the King cannot have, but by the free Act of his Subjects, as Subsidies and Taxes. And because the Subjects grant them to the King, when they see it reasonable; it is manifest, I conceive, that the People have Rights and Properties, and Liberties of their own. And many of these they come to by Purchase, and not Royal Donations; or by an Equivalence of some Benefit to the King. Read if you please, the learned Mr *Lawson*, a good Civilian and Politician, as well as Divine, in his Answer to *Hobs*, c. 8. That learned and ingenious Gentleman Sir *Dudley Digges*, spake to the Lords in a Conference, *Anno* 1628. "Be pleased to know then, that  
 " it is an undoubted fundamental point of this so ancient Common Law,

Will you suffer  
 me hence to infer  
 the Parliament  
 is Supreme above  
 the King, because  
 they make these  
 Concessions?

“ Law, ( of which he said *Caput inter Nubila condit*) of Eng-  
 “ land, that the Subject hath a true Property in his Goods and  
 “ Possessions, which doth preserve as sacred that *Meum* and *Tuum*,  
 “ that is the Nurse of Industry, the Mother of Courage, and with-  
 “ out which there can be no Justice, of which *Meum* and *Tuum* is  
 “ the proper Object. *Ephemeris Parliamentaris*. pag. 55. The  
 Petition so much debated in that Parliament, was the Petition of  
 Right. The King in his Answer to the whole Parliament, spake  
 this Golden Sentence, *And I assure you, my Maxim is, That the*  
*Peoples Liberties, strengthen the King's Prerogative, and the Kings*  
*Prerogative is to defend the Peoples Liberties*, pag. 204. Here's e-  
 nough of this.

K. The People have Rights. But Government being before  
 “ Property, Property doth proceed from the Sovereign, who  
 “ grants and determins it. For, as Bishop *Saunderson* asserts,  
 “ *Scil.* 18. of the Preface, It is certain that as soon as *Adam* was  
 “ created, God gave him to be an Universal Monarch. —and the  
 “ Government also of all the inferior World, and of all the Men that  
 “ after should be born so long as he lived ; so as whatsoever Pro-  
 “ perty any other person had or could have in any part of the  
 “ World —they held it all of Him. —So after the Flood, whatso-  
 “ ever Property, or Share in the Government over any part of the  
 “ World any of his Sons had, they had it by his sole Allotment  
 “ and Authority —without waiting for Election or Consent, or  
 “ entering into any Articles or Capitulations with the People that  
 “ were to be governed by them, &c.

T. Is the Argument Good from *Adam* before the Fall, to the  
 Government after the Fall? Is the Argument good from *Adam*  
 the Common Father, or *Noah*, a Common Father to the State of  
 the World, distinguished and divided in the several Kingdoms,  
 and Territories? Was *Adam's* Monarchy Hereditary, to his eldest Son  
 next in succession? Did *Cain* succeed him in the Universal Mo-  
 narchy? Or did *Cain* forfeit, and so it descended to the next Bro-  
 ther? To be brief with you: 1. When Sovereign Princes are  
 Natural Fathers, and give Portions to their Subjects as to their  
 Children ; then let them be as Great in their Dominions, as *Adam*  
 or as *Noah* was, provided they be kind and righteous, as they  
 were. 2. The Law then in Being and Force was the Law of Na-  
 ture which established Property, in the 8th Commandment. And  
 Judgment, which is a Branch of Government, or of Civil Power,

*Did Adam al-  
 lot him the Land  
 of Nod?*

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doth suppose Property, as its Object, or Matter about which it is conversant. And there could be no actual Exercise of the judicial Port of Power and Government, but there was a Property to be judged of.

*How far the  
King of Eng-  
land is Supreme.*

*Sect 14.*

K. But you cannot but say, that the King of *England* is the onely supreme Governour and Monarch; and if a Monarch, the Supremacy is in Him alone: for a Co-ordination of Power, and a mixt Monarchy, are absurd contradictory Notions. As you may see in the Reverend Bishop *Sanderson*, Preface, "We are bound by our Oaths of Supremacy and Allegiance to bear Faith and true Allegiance to the King and his Heirs and Successors, and to assist and defend all Jurisdictions, &c. *Granted* or belonging to him, &c. I pray read the Oaths. And then we are bound by the Oath of the 14. of *Charles* the second, not to take Arms against the King, &c. upon any Pretence whatsoever, &c. And therefore surely such Actions, and Alterations as we know, and see of late, are utterly unlawful, and therefore I cannot joyn in the Thanksgiving for our Deliverance, &c.

T. Sir, You put me upon a necessity of speaking what otherwise I should be as unwilling to discourse of, as any other Man. But conceiving my self obliged in Conscience and Religion to acknowledge our wonderful Deliverance, I shall lay before you what I have learnt in these great matters.

*Under favour,  
that word, Or  
otherwise, doth  
there signify, some  
other way or  
means, not nam-  
ed, by which the  
Pope might act  
against the King.*

I know Sir *O. Bridgman* did urge the Oaths of Allegiance and Supremacy upon the Regicides, and all that took Arms against the King, in the Trial of Mr. *Scroop*, pag. 67, 68. What is the Oath of Allegiance? is it not that you will defend the King, his Crown, &c. against all Persons whatsoever? It was not onely against the Pope, (as some would have it) but the word is, or otherwise. They broke the Oath of Supremacy, which was, that the King was the supreme Governour, &c. There is, saith he, a difference between some Crowns, and Imperial Crowns. An Imperial Crown is that which was not to be touched by any person: We do not speak of the *Absolute Power of the King*, pag. 68. The Reverend Bishop *Sanderson* builds his strong Tower for defence of the King's Sovereignty upon the words of the Oath of Supremacy. That the King's Highness is the onely Supreme Governour of this Realm, Sect. 14. The quickest way to bring our discourse to an issue, is to lay down, what I think very considerable in this matter.

1. We



1. We acknowledge the King, or Queen of *England*, to be the only supreme Governour within his Dominions. But the Kings and Queens of *England* had no more Power given, or attributed to them, by these Oaths, or the Statutes enjoying them, than they had before these Declarations. So Queen *Elizabeth* declared in her Injunction 1559. An Admonition to simple men deceived by the malicious, in the Collection of Doctor *Sparrow*, pag. 81. The "Queens Majesty, &c. would that all her loving Subjects should "understand, that nothing was, is, or shall be meant or intended "by the same Oath to have any other Duty, Allegiance, or Bond "required by the same Oath, than was acknowledged to be due to "the most Noble Kings of famous Memory King *Henry* the 8th, or "Edward the 6. — For certainly her Majesty neither doth, nor ever will challenge any Authority, than what was challenged, "and lately used by the said Noble Kings of famous Memory, "King *Henry* the 8th, or *Edward* the 6th, which is and was of "ancient time due to the Imperial Crown of this Realm. That is, "under God, to have the Sovereignty and Rule over all manner of "Persons born within these her Realms, Dominions and Countreys, of what estate, either Ecclesiastical or Temporal, soever "they be, *so as no other foreign Power shall or ought to have any "Superiority over them.*

*Note this.*

2. You heard, what Sir *Orlando Bridgman* understood by that Great Title, of *Imperial Crown*. Now take notice of another Interpretation of it, from Queen *Elizabeth*, in that Admonition, now quoted. *Imperial Crown* — That under God, (and not under the Pope, or any foreign Prince or Potentate) so as no other *foreign Power* shall or ought to have any Superiority over them. And it is rational to conceive, that such as the King, or Monarch is, such is his Crown: The King of *England* is not an Absolute King, but in contradistinction to all foreign Princes and Powers, none of whom hath any power over him, he is subject to none, therefore the Title of *Imperial Crown*, adds nothing of Real power to the King, but a glorious Epithet, signifying, that he holds not his Crown of any other foreign Prince or Power. So is the Monarchy of *England* described by that famous Counsellour Sir *Thomas Smith*. — At "the last the Realm of *England* grew into one Monarchy. Neither "were any one of those Kings, neither he who first had all, took "any Investiture at the hand of the Emperor of *Rome*, or of any "other superior or foreign Prince, but held of God to Himself, and by

*So saith Lord  
Keeper Bridgman,  
in the  
Book quoted.*



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"his Sword, his People and Crown, acknowledging no Prince on Earth his superior, and so it is kept and holden at this day. *De Repub. Anglorum.* c. 9. Sect. 1. And when our Writers speak of the Independence of the Kings of *England* in opposition to the Pope, and his Usurpation, they speak of the Crown as an Imperial Crown, and the Kingdom as an Empire. So Sir *John Davis*, in the Case of *Præmunire*, or Conviction of *Solar*. 4 *Jac.* upon the Statute of the 16 R. 2. c. 5. published by Sir *John Pettus*.—" Yet if we look into the Stories and Records of these two Imperial Kingdoms, we shall find that if these Laws of Provision and *Præmunire* had not been made, they had lost the name of *Imperial*, and of Kingdoms too, and had been long since made Tributary Provinces to the Bishop of *Rome*, or rather part of *St. Peter's Patrimony*, or *Demefn*, &c. pag. 6, 7, &c. And *L. Ch. Justice Cook* Rep. of the Ecclesiastical Laws, printed with the former, describes the Empire of the Kingdom of *England*, in these words. "And therefore by the Ancient Laws of this Realm, this Kingdom of *England* is an Absolute Empire and Monarchy, Consisting of One Head, which is the King, and of a Body Politick, compact and compounded of many, and almost infinite several, and yet well-agreeing Members, &c. pag. 46. Observe, he makes not the King to be absolute Emperor over his Subjects, giving them Edicts for Laws, and ruling them in an Imperial way, but the Kingdom of *England*, whereof the King is Head, with his Body, is an Empire. So I do, with submission to my Teachers, conclude, that the Crown and Kingdom of *England* is Imperial, that is, Independent, in respect of the Pope, or any other foreign Superior; but that the Crown and King is not Imperial in respect of the Subjects of *England*, giving them Laws and Edicts according to his own Will; for all our Laws are made with the Consent of Lords and Commons.

3. The Kings of *England* are Supreme Governours, next and immediately under God. But let us keep to the word Governour, or Administrator: There are two things in a Government, Constitution, and Administration. The Fundamental Constitution of this Government, is by King, Lords and Commons. The King is not the sole Legislator. Power, and Supreme Power is lodged there onely, where Legislation is. The Legislative Power is in the Parliament, the Parliament doth consist of King, Lords, and Commons, jointly. Hear what King *Charles* the First acknowledged,

There is a difference between Governour and Legislator.

ledged, in his Answer to the XIX Propositions, pag. 18. of the first Edition, "In this Kingdom the Laws are jointly made by a King, "by a House of Peers, and by a House of Commons chosen "by the People; all having free Votes, and particular Privileges. The Government according to these Laws is trusted "to the King. *The most high and absolute Power* of the Realm "of England, consisteth in the Parliament;—which representeth, and hath the Power of the whole Realm, both the "Head and the Body. Sir *Tho. Smith*, De Repub. Angl. B. 2. c. 1.—"And tho we acknowledg the King to be the only "Supreme Governor, the very word *Governor* doth limit the "word *Supreme*. For being a Governor according to Law, "not made by his own Will or Authority, but by the Consent "of the three Estates in Parliament, he is limited as Governor, to govern according to Law: And so being a limited Governor, his Supremacy is a limited Supremacy. He is "Supreme next under God; that is, there is no Governor "over him, or above him: If there were any Governor over "him, he would not be Supreme. He who is Governor only "according to Law, cannot of his own Will, and should not "follow such Counsellors, as put him upon Courses destructive "of the Laws by which he ought to govern.

4. Our Supreme Governor is trusted with many Royal Prerogatives, for the Good and Welfare of the Subjects. "So *K. Ch. I.* acknowledged, in his Answer to the XIX Propositions. For our Subjects sake, these Rights are vested "in us, p. 17. The Prince may not make use of this high "and perpetual Power, to the hurt of those for whose Good "he hath it, p. 19. Therefore he cannot command what he will, nor change the Government and Religion of the Kingdom established by Law, as hath been design'd of late.

5. Our Supreme Governor is such a Governor, that is also bound to keep the Law, and is subject himself to Law. "There are many Cases wherein a Subject, in maintainance "of his Right, may wage Law with the King, &c. saith Bishop *Saunderson*, Sect. 12. And King *James the 1st*, in his Speech in the Star-Chamber, June 20. 1616. said, "I was "sworn to maintain the Law of the Land, and therefore I "had been perjurd if I had alter'd it, p. 13. What then, if the Laws, and Government, in the Essentials of it, come to be chang'd?

K. But

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K. But there are some Ancient Lawyers, of greatest Authority, who say, *Nemo presumat de factis ejus (Regis) disquirere, nedum contra factum ejus venire.*

T. I remember I have read those words, father'd upon Bracton, by your late R. R. Bishop of Chester, in his Speech at Magdalen Colledg. The words of Bracton are<sup>e</sup> these, (which either his Lordship had not read in the Author, or had forgotten) *Nemo quidem de factis suis presumat disputare, multò fortius contra factum suum venire, l. i. c. 8.* But if he had considered what that venerable Author hath written in the same Chapter, before those words, he had rather dissuaded the King from that Action against the Colledg, than have serv'd him in it. *Ipse autem Rex, non debet esse sub homine, sed sub Deo, & sub Lege, Quia Lex facit Regem. Atribuat igitur Rex Legi, quod Lex attribuit Ei, videlicet Dominationem & potestatem. Non enim Rex ubi Dominatur voluntas, & non Lex. Et quidem sub Lege esse debeat, cum sit Dei Vicarius, &c.* The same Sentences, misrepeated by that late Bishop of Chester, are to be seen in Fleta, who flourished in the same Age with Bracton, and gives to Posterity the Face which the Law had in the Days of Edw. 1. As Mr. Selden saith, in his *Dissertatio ad Fletam*, immediately after those words, *nec contra factum suum venire*, these words follow, *Verum tamen in populo regendo superiores habet, ut Legem per quam factus est Rex. Et Curiam suam, viz. Comites & Barones: Comites enim à Comitibus dicuntur, qui cum viderint Regem sine frano, franum sibi apponere tenentur, &c. Temperent igitur Reges potentiam suam per Legem, qua franum est potentia. l. i. c. 17. p. 17.* And Sect. 2. of that Chapter, derives, *Rex non à regnando, à bene regendo nomen assumitur; Rex verò dum bene regit, Tyrannus verò dum populum suum violat à opprimitur dominatione.* Such a Supreme Governor we acknowledg the King of England to be: And what can you infer from hence?

K. But the Reverend Bishop Saunderson speaks as plainly as can be, That a mixt Monarchy is an errand Bull and Contradiction, in adjecto. And therefore the King hath the sole Sovereignty of Power in himself, and can't be controll'd or contradicted, much less opposed by Force.

T. I do as freely acknowledg the Supremacy of the King of England, according to Law, and settled upon him by Law, as  
you

you do ; and that Subjects should keep in the Bounds of Subjection, and obey their Superiors for Conscience-sake. I acknowledge, that a mixt Monarchy is as absurd as a Compound Simple : But yet I find our Monarchy to be a Regulated, and not an Absolute Monarchy : And if it be compounded of the three Forms of Government, Monarchy, Aristocracy, and Democracy, then it is no such Bull as to be an *Errand One*. That it is such a Monarchy, I prove by a greater Author than that Learned Writer. Look then to the Answer of King *Charles I.* to the XIX Propositions, sent to him from the two Houses to *Tork*, *July 1642.* "The Wisdom of your Ancestors hath moulded this Government out of a Mixture of all three, p. 18. And let me note to you, to what the King did attribute this Constitution ; he saith, The Wisdom and Experience of your Ancestors hath moulded this.

K. But when did the Wisdom of our Ancestors meet, and where, to mould and fashion this Government ?

T. That I may not confound our Discourse, I must first speak to the Particulars of the former Objection, or Query, and then come to new Matter.

6. "We are bound to bear Faith and true Allegiance to the King, his Heirs and Successors ; and to defend him and them to the utmost of our Power, against all Conspiracies and Attempts whatsoever, that shall be made against their Persons, their Crown and Dignity, by reason or colour of any such Sentence, &c. I pray, Sir, let me explain my self to you concerning these things.

1. We may, I conceive, lay down this, that the Sovereignty of Power lies in the King, and three Estates, or in the Parliament, consisting of all these jointly. That the Superiority of Government is vested in the King ; who as he is King by Law, so he is obliged to govern according to it. Therefore the Power of the King is not Absolute, in respect of his Subjects, nor unlimited ; but tho the Limits of Prerogative are not set down, because extraordinary Emergencies cannot be foreseen nor determined, yet it is limited by Law, or else it would be in some sense infinite. That it is not unlimited, is no new Divinity, as it is no new Law. *Non largimur Regibus potestatem illimitatam, & infinitam, ut quamlibet Religionem*

*Of our Allegiance.*

*See also Dr. Ferm. Conf. satisfied.*

*Religionem*

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*Religionem possint Subditis pro arbitrio præscribere; sed potestatem à Deo delegatam ac proinde Regulis Legis Divina circumscriptam. Nam ut in Causis Civilibus (quævis sint suprema potestate armati) non possunt tamen Leges condere contra aequitatem & naturam, &c.* Rev. Dr. Ward. *Determin. Regis in Regno suo Suprema est sub Deo potestas*, p. 105. 3. And if the Power of Sovereigns be limited, so the Obedience of Subjects is limited also; for Power of Commanding, and Duty of Obeying, are of the same Extent.

2. Allegiance is the Duty of a Subject, to which he is bound by Law; and Allegiance is reciprocal between the King and his Subjects. *Ligantia significat, & inde Ligantia, & Allegiantia, Vinculum æquius inter subditum & Regem, utroque, invicem comitens: hunc ad Protectionem, & justum Regimen, illos ad Tributa & debitam Subjectionem, &c.* Sir H. Spelman, Gloss.

3. The King is the formal and express Object of Allegiance, as Supreme Governor, but the Kingdom is the complete Object of it, yea, and the ultimate Object of it, under God, and its Welfare and Good. And so I find in that great Author, Sir Hen. Spelman, v. *Fidelitas*, a Law of St. Edward, "That all People ought once a Year to confederate and consolidate, like sworn Brethren, to defend the Kingdom against Foreigners and Enemies, together with the King. By which I see the true Interest of the King and Kingdom is one and the very same; but it was our unhappiness of late, to find the true and united Interest divided, and an Interest promoted, as contrary to the Kingdom, as Darkness to Light, and Superstition and Idolatry, to the Gospel of Christ. In the Condition we are in, What was to be done but what was done? No Man in Conscience could adhere to the King against Religion, and the Kingdom; for our Obligation and Subjection is first due to God, and to the King in him, and for him, (and no otherwise, as it is in the Prayer in the Communion Service.) If the King doth persist to act contrary to God; Who can in Duty folly him, or assist him? Next to my Fidelity to my Heavenly Lord, I owe my Fidelity to the Community of England, by the Law of God and of Nature, whereof I am a Member; because the Community must be governed by righteous and good Laws; and these Laws executed, I am next obliged to that form of Government constituted and agreed unto.

unto. And then, lastly, I am obliged to the personal Sovereign the King. My Fidelity to the Community (or Kingdom, under a King) is due, by God's Law, in Nature: My Fidelity to the Person of the King, is by a voluntary Obligation, required by a positive Law, as King of *England* governing by Law. And my natural Allegiance to the King, is to him as a King by Law, and governing by Law. Judicious Mr. *Lawson*, delivers himself thus, concisely and rationally; "Fidelity to the Community is first due: Fidelity to it under some form of Government was the second: Fidelity to it under that form, by King, Peers, and Commons, was the third: Fidelity unto the Person of the King is the last, and presupposeth the former. Whosoever understands, and takes them (that is, the Oaths of Supremacy and Allegiance) otherwise, perverts the true meaning of them, and makes them unlawful. *Politica Sacra, & Civilis*, c. 15. p. 125. An Answer to the Learned Author of the *Rights of the Kingdom*, gives us several Ancient Laws, obliging the Subject to Allegiance to the Kingdom, with the King, in the Days of Old.

Hobs, p. 17.

7. The Oaths of Allegiance were made to the King, as a Protestant, in a direct opposition to the Pope, and his usurped Jurisdiction, and Power. And though Fidelity and Obedience is due to Kings of the Romish Faith, yet *how these Oaths can be taken* under such a King, I do not understand; Except I declare what the King ought to be, viz. the only Supreme Governour in his Kingdoms and Dominions, and that the Pope ought not to have any Jurisdiction, Ecclesiastical or Spiritual, when I am sure enough the King doth own such a Jurisdiction, by professing that Religion: How can I swear to maintain the Prehemencies and Authorites granted or annexed to the Imperial Crown, when he hath parted with the Preheminance and Authority, of being supreme Governour in all Causes, to the Pope? This would be to swear against Him, and not for Him. I look upon it as a Priviledg that I had no occasion to be called to take those Oaths in his time; It was one of his best Acts of Indulgence to dispence with the taking of them, though the Design was to open a Door for Popery to come in.



## A Debate between Dr. King's-man,

**X.** But though you took not the Oaths in the late King's Time, you took them in the Time of *Charles the 2<sup>d</sup>*, and were obliged to *James the 2<sup>d</sup>*. as his Heir and Successor, and so to the Heirs and Successors you owe Allegiance, Subjecti-  
on and Defence.

**T.** I do confess I do, to Heirs and Successors that are Prote-  
stants, by these Oaths, and to no other Heirs or Successors but  
such as are Protestants, or of the Reformed Religion, in op-  
position to Popery? "The Oath of Supremacy was devised  
"to put a Difference between Papists, and them of our Pro-  
"fession; so was this Oath (of Allegiance) to put a diffe-  
"rence between the civilly Obedient Papists, and the pervers-  
"red Disciples of the Powder-Treason, saith the Learned K.  
*Jam. I. Apology for the Oath of Allegiance*, p.46,47. By taking  
these Oaths, I testified my self to be a Protestant, and a Loyal  
Subject; but it was to no other than a Protestant King in be-  
ing, and Protestant Heirs and Successors in time to come. I say,  
only to Protestant Successors and Heirs, because, else the  
main Supposition of those Oaths is laid aside. For a Popish  
Successor and Heir, doth not maintain his own Preheminence,  
nor honour of his Imperial Crown, for he becomes a Subject  
to the Papal Spiritual Jurisdiction, if not Temporal also.  
I can only declare, He ought to be Supreme in his Realm; But  
cannot testify and declare that *He is*, for he hath made him-  
self a Subject to Papal Jurisdiction. The Supposition of the  
Oath of Allegiance is, that the King of *England* is an Here-  
tick, and for Heresy Excommunicated; and being Excom-  
municated, he may be deposed, and his Subjects discharged  
of their Allegiance, and several other things dangerous to  
Him. But we cannot suppose the Pope will Excommunicate,  
and Depose, or do any other Papal Acts, against a Son of his  
Church. I know the Oaths are required by Law in many  
Cases, and were taken by many worthy Men in the Reign of  
the late King, but can be justified no further, than as they  
contain an opposition against Popery, as I conceive in my sim-  
ple Opinion.

But letting this pass, (tho the taking of God's Name in vain,  
in any part of an Oath, is a great Sin, and must be re-  
pent of): The words are *Heirs and Successors*; if there be  
an Heir of the Body of the King to succeed, or a Successor, in  
want



want of an Heir, the Oath supposeth a Failure in the Line, but not in the Succession. No Man is called upon to take these Oaths, till there be a Successor actually apparent and acknowledged. My Oath to the King, and his Heirs and Successors, binds me then to no more, than to actual Allegiance to the King in Being, and to a preparation of mind, to bear Faith and Allegiance to his Heirs and Successors, when they ascend the Throne. But yet let it be remembred, that in the Ancient Oaths of Allegiance, there is no mention of Heirs and Successors, but only to the King in being. See the Oath of Allegiance to K. Will. I. in Sir *H. Spelm.* Glossary, *Ver. Legantia.* and to *Hen. II.* out of *Nubrigenses.* And many Instances to this purpose are brought by the Learned Author of the Rights of the Kingdom, p. 33, &c. And tho, Sir, you will not be pleased to hear more of this; If the Crown of England had been Hereditary, there had been no need of swearing Subjects to the Heirs and Successors, in the time of the King Regnant. And one Reason, (as Rev. Mr. *Lawson* thinks) why these words, Heirs and Successors, were put into the Oath, was, "That seeing Election and Succession was usually in a Line, it was intended to exclude Pretenders, and all Power of the Pope, or any other, to dispose of the Crown, when the former Possessor was removed, or deceased. *Polit. sacra & Civilis*, p. 215.

And I pray, Sir, give me the meaning of those words in the Oath of Supremacy.—"And to my Power shall Assist and defend all Jurisdictions, Priviledges, Preheminencies, and Authorities, *Granted*, or belonging to the King's Highness, his Heirs and Successors, or *united and annexed* to the Imperial Crown of the Realm. By whom were these Jurisdictions, Preheminencies, and Authorities *granted* and Annexed, if not by Parliament, the Representatives of the Community of England? And if by Parliament then, I leave you to infer.

K. Do you insinuate, as tho you thought any Prerogatives were granted by Parliaments? If so, then you seem to derive the Authority of the Crown from the People originally, which Opinion is to be abhorred; and tends to dissolve the Government. If so, again, you seem to make the Crown to sit upon the Sovereign's Head by Compact and Election. Whereas, the

## A Debate between Dr. King's man,

the Excellent Bishop *Saunderson*, doth, by a Chain of Arguments, expose the vanity of such Imaginations to be his't or laught at, *Pref. Sect. 16.*

T. You put me upon searching into many hard things, which I will enquire into, as being desirous to know the truth, that I may more chearfully perform Obedience. And first I deny your Consequence, that if Power be derived from the People, then will it follow that the People may change the Government? Because the Government being settled, we are all obliged to preserve the Constitution, as long as we possibly can, and as long as all Degrees keep in their places, and act according to the Laws of the Constitution, we cannot change it for a Better.

1. As I do perceive, the Crown and Sovereignty of the Kingdom of *England* is Hereditary, by Election. The Power and Authority is from God, who hath distinguished Persons, into Superiors, Inferiors, and Equals, and hath tied them to mutual Duties in the *fifth* Commandment. But the different forms of Government, are made by the Wisdom and Consent of the Community in a Representative. *K. Ch. I.* who was Learned, and Judicious, speaks in praise of the Government, and of our Ancestors, and acknowledgeth it, "The Wisdom and Experience of our Ancestors, moulded this Government. And so this Government, as far as it was moulded by them, is an Ordinance of Man, or an Humane Creature. It was the Wisdom of our Ancestors, and their Wisdoms could not at first find out, or make a perfect Mould; but it seems, tried, and mended, and in Time, by Experience and Wisdom, cast it into the present Mould. *Ans. to the XIX Propos. as before quoted.*

2. The Kings of *England* were Elected, and chosen to the Office and Trust of Kingly Government. This is clear enough, from the *British*, through the *Saxon* and *Danish* Kings, to *William the First*, called the *Conqueror*; and we derive our Common Laws from the *Saxons*, as I am informed. I will shew you what the Ancient and Renowned *Fleta* hath left as his Judgment and Law, *l. 1. c. 17. S. 2, 3. Nec à Regnando dicitur, sed à bene regendo nomen assumitur, Rex vero dum bene regit, Tyrannus dum populum suum violat à apprimitur dominatione. Ad hoc namq; electus est, ut justitiam pariter Universis sibi*

*sibi subditis faciat exhibere, &c.* And, Sect. 14. — *Ad hac enim Creatum est Rex & Electus, ut justiciam faciat Universis, &c.* Florentius Wigorniensis, that old Historian, relates, That *Edgar* the First, who united *England* into one Kingdom, was, *Electus ab omni Anglorum Populo*, of all the People of *England*, Edit. 4°. p. 355. as he was before chosen of the *Mercians* and *Northumbrians*, who deserted King *Edwin*, because he acted foolishly in the Government committed to him, p. 354. After the decease of *Edgar*, there arose a great Dissention among the chief Men of the Kingdom about the Election of a King; for some Elected *Edward* his Son, and others Elected his Brother *Ethelred*, p. 361. And to save the labour of looking further, you may see how the Succession went; see in a brief History of the Succession printed the other Day.

3. Government grew by degrees into Kingdoms, and began in Families, encreased into Vicinities, Towns, Cities, Common-Wealths and Kingdoms. And that Form of Government was best, which best agreed with the People, and was most conducive to the Publick Benefit. Hear what the Admired and Learned Mr. *Hooker* thought, *Book 1. of Eccles. Policy*, p. 27, 29. "The Case of Man's Nature standing as it doth, somekind of Regiment the Law of Nature doth require; yet the Kinds thereof being many, Nature tieth not to any One, but leaveth the Choice as a thing Arbitrary. This is contrary to them that set up Monarchy, and Absolute too, upon the Foundation of the Law of Nature."

4. As to the derided Contract and Consent of the People, where and by whom, and abundance of Questions about it, I conceive, the words of the same Learned *Hooker*, may balance those of Bishop *Saunderson*. "That which we spake before concerning the Power of Government, must be here applied to the Power of making Laws, to command whole politick Societies of Men, belongeth so properly unto the same intire Societies of Men, that for any Prince or Potentate, of what kind soever upon Earth, to exercise the same of himself, and not either by express Commission immediately, and personally received from God, or else by Authority derived at first from their Consent, upon whose Persons they impose Laws, it is no better than meer Tyranny."

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"ramny. — Laws they are not therefore, which publick Ap-  
 "probation hath not made so. But Approbation not only  
 "they give, who personally declare their Consent by Voice,  
 "Sign, or Act, but also when others do it in their Names,  
 "by Right at least originally derived from them; As in Parlia-  
 "ments, Councils, and the like Assemblies, B. 1. p. 28.

The many of Bishop *Saunderson's* Questions may easily be  
 answered, by destroying his Supposition, "That there was a  
 "great number of People, as big suppose as a Kingdom,  
 "without Government; and that these all must, in all re-  
 "pects be equal, or else they may be injured by some who  
 "contract, and all present to chuse their Governor, and give  
 "him Power to rule according to contract \*. Whereas, we  
 read in our Histories, that sometimes the Nobles, sometimes  
 Nobles and Prelats, sometimes the Heads of the Commons a-  
 greed with their King, upon Conditions to govern. But that  
 is the most perfect way, which is by the three Estates met in  
 Parliament, or Convention.

\* See the same  
 Supposition  
 handsomely flou-  
 rish'd by Dr.  
 Fern. Confc.  
 satisfied, p. 9.

It is no Mat-  
 ter by whom, or  
 when the first Contract was made, we are sure it was by the Light of Nature or Reason, in the most  
 convenient way: Let us see how it is now, and hath been of a long time.

5. That there were, and are, Contracts between the Kings  
 of England and the People, or the Community made by their  
 Representatives, is not void of sufficient Proof. Take a few;  
 The People of England are called the King's Liege People, be-  
 cause they are obliged to him: And the King is also called the  
 Liege King, for the same Reason, because he is bound, by  
 Contract or Covenant, to them. *Dicuntur utriq; ligii; Prin-*  
*ceps nempe, ligius Dominus subditi verò Populus ligius, & homi-*  
*nes ligi. Ligia scilicet Ligii regis & liges idem sunt quod*  
*ligati.* *Spelm. Gloss.*

Many Instances might be produced of Contracts, between  
 our Ancient Kings, and the People of England. Two shall  
 suffice: When *Sunnar* tyrannized over the Land, he exacted  
 a huge Tribute of *St. Edmunds-Bury*; threatened to burn it,  
 if he had it not paid him: and giving out opprobrious Lan-  
 guage against that *St. Edmund*, at *Gainsborough*, where he  
 held a General Plea; died there in great Agony, and Fear, up-  
 on the appearance of *St. Edmund* coming against him. The  
 Danish Fleet chose his Son *Cannus* to be King. At *majoris*

Natu

*Nati totius Anglia*; The Elders, or Eldermen of all England, sent Messengers, with one consent, to *Ethelred* King of England, (then in *Normandy*) saying, "That they loved, and would love none more than Him, their natural Lord, *If he would* more rightly govern, or more mildly handle them, than he had before. Which when he heard, he directed his Son *Edward* with Embassadors to them, and he in most friendly manner saluted the Greater, and the Lesser of his Nation, Promising, "That he would be to them a mild and devoted Lord; that he would consent to their Will in all Things; acquiesce in their Counsels; that he would pardon whatsoever was reproachfully and disgracefully said of him, or his, or done contrary to him and his, *si omnes unanimiter, &c.* if all would unanimously, and without treachery agree to receive him into the Kingdom. All of them did answer Courteously or freely to these things. Afterwards a full Accord, or Friendship is confirmed on both sides, *& Verbis, & Pacto*, both by Words and Contract. *Florantius Wigorniensis.* p. 381.

The other Instance I give out of the same Historian is *omnis Exceptione major*: it is of *William* the first, commonly called the Conqueror. *William* came to *London* with his whole Army, *ut ibi in Regem sublimaretur*, that he might be advanced to be King, and was Consecrated in an honourable manner, Promising first (as *Aldred* the Archbishop of *York* required, or exacted of him) before the Altar of *St. Peter*, by Oath, before the Clergy and People, "That he would defend the Holy Churches of God, and their Rectors, and govern all the People subject to Him, justly, and with Regal Care, and Providence; Appoint, or ordain and hold Right Law, and forbid Rapines, and unjust Judgments utterly, or altogether, p. 431. But that which goes beyond all particular Instances, is the Coronation Oath.

K. But concerning the Coronation Oath, I am of the Opinion of *Rev. Dr. Falkner, Christian-Loyalty.* B. 1. c. 2. p. 423. Let us turn to the place. The Solemnity of Coronation, when the People acknowledg their King, and the King again gives the People assurance, that he will preserve their Religion, Rights and Laws, is far from intending to express the King's Authority to be derived from the People by a Contract,

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"tract, as some have weakly argued; for the King is actually King, by his Right of Inheritance, &c.

T. I distinguish between the solemnity of Coronation, (the Prince appearing in Splendor, doth excite the People to make Acknowledgments, and expression of Affection, with Acclamations, &c. as the Doctor goes on) and the Questions proposed to the King and the Coronation-Oath. The Argument for Consent and Contract, is built upon the Demands made to the King, and his Oath, and the Fealty sworn to the King. The Forms of the Coronation Oath have been divers, as you may see, in the most laborious Mr. *Pryn*, *Epist. to the Reader*, before his *Hist. of K. John, Hen. 3. Edw. the I.* out of the Records of the Tower, from p. 30, &c. The King is obliged, as *Fleta* tells you. *C. prædict.*—*Nec potest quis judicare in temporalibus, nisi solus Rex vel sub delegatus: Ipse namq; ex virtute Sacramenti ad hoc specialiter Obligatur, & ideo Coronâ insignitur, ut per judicia populum rogat sibi subjectum.* I follow the directions of that Learned laborious Writer, and find his Quotation out of *Bracton* true, l. 3. *de Actionibus. c. 9. p. 107. S. 1, 2, 3.* "The King ought in his Coronation to swear, and promise to "his People subject to him; 1. That he will Command, and "to his Power help, that Peace be observed all his Time, to "the Church of God, and all Christian People. 2. That he "will interdict Rapines, and all Iniquities, to all degrees. "3. That in all his Judgments he will command Equity and "Mercy, that the Gracious and Merciful God may grant him "Mercy; and that all may, through his Righteousness, enjoy a firm Peace: *Ad hoc autem Creatus & Electus est*; To "this End, or Office, he is Created and Chosen. And our "Righteous Kings have look'd upon themselves as bound to "do what they promised and swore to at their Coronation. See the Quotations in that *Epist. p. 31.* And K. James the First, said, *He should be perjur'd if he did not observe the Laws.*

Even Dr. Fern  
doth acknow-  
ledg, It is pro-  
bable indeed,  
that Things at  
first were by  
choice here as  
elsewhere. The  
Resolving of  
Conf. S. 4. p. 19.

Secondly, I distinguish between Sole Election, Consent, and Hereditary Right by Common Law. Our Kings and Queens succeed by Hereditary Right, presupposing an Election of the Royal Progenitors, or voluntary Consent in the Acts of Settlement, and still demanded and declared at every Coronation. As every King or Queen is not Elected as by a People

in



in absolute Liberty, to chuse whom they please, so it is not conceived to be Hereditary by Common Law, but by Settlement implying the Consent of the People. And if you would know how it was of Old, observe how it is now, in the most happy Agreement between our now most Gracious King *William* and Queen *Mary*, and the Collective Wisdom and Power of the Kingdom, in the for-ever to be celebrated Convention. Our former wise Kings have thought an Act of Parliament, the best Deed of Settlement of the Crown: And how the Succession hath been changed, is to be seen in that Excellent short History of the Succession, come to my Hands t'other day \*.

Now our High  
Court of Par-  
liament.

K. Let things be as they were in former Times: Let us, if we be Men of Conscience, remember our Declaration, and the Oath, sworn by all Officers, of the Unlawfulness of taking Arms against the King, or those commissioned by him, upon any *Pretence whatsoever*: Remember your Declaration, and the words, *Pretence whatsoever*. What-ever Limitation the Author of the *Inquiry* hath put upon it, by limiting the words in all things, in the Duty of Children to their Parents. And look upon what that Good and Learned Man, Dr. *Falkener*, hath written at large upon that Oath, in vindication of it, in the 2d Book of *Christian Loyalty*.

\* Sold by J.  
Robinson in St.  
Pauls Ch.yard.

T. Content, Sir, let us look to the Book; there it is.

K. In the first Section he tells you, "There is a two-fold Declaration of Loyalty in detestation of such Positions as undermine the Security of Kings and Kingdoms, required in this Realm; the one more particular, in the Oath of Allegiance, against deposing Excommunicated Heretical Kings; and the other more General. Of which he speaks § 2.

Dr. Falkener  
considered.

T. We detest the Doctrine and Practices of the Pope and Papists, as much as you do. And all that the Doctor hath learnedly discoursed of it in that Section, doth not at all concern us; not only because that is Popish Doctrine, and because it is unlawful for the Pope to excommunicate and depose a Protestant King; but because we are not guilty of Deposing our late King *Jam. II.* our Case hath been (more briefly than it might be) declared before, to prevent the Accusation of deposing him.



## A Debate between Dr. King's man,

K. Jam. 2. de-  
posed himself,  
and was not  
deposed.

1. The King did really depose himself from being an Independent King of England, by submitting to the Pope.

2. He dispen'd with our taking the Oath of Allegiance, which I think I should not have taken, had I been required, without a plain declaration of my Mind; for it implied a contradiction to take it to a Popish King.

3. After he deserted his puissant great Army, and durst not put his Cause upon a Battel, he gave one Branch of his Sovereignty to the Prince of *Orange*, viz. the Command of his Army and Navy, and then attempted to go beyond Sea; and at last went, leaving his Kingdom, without Force, or Compulsion, or Menace. The Illustrious Prince of *Orange*, and the Kingdom, desired nothing but what was their Right, as much their Right as the Crown was his.

4. In this Case what shall the Kingdom do? You may be satisfied by the Debates about Abdication and Vacancy. Must the Kingdom lie open to the Enemies of it? Must there be a *Justitium*, a silence of the Laws, and stop to Justice and Righteousness, and all things fall into unsettlement and confusions, to wait upon his Return? Yea, must the Affairs of the Protestant Confederates be under distractions, through our irresolutions? Must the Illustrious Prince of *Orange* go back again, losing the Opportunities of finishing his Work, which God gave him, in so wonderful a manner? And must the Nation give time to Papists for new Plots, and gathering strength to do us their designed Mischiefs? What will become of Trade? What Foreign Princes will treat with us, when we have none to treat with them, and give them Security? Who shall govern, or pay our Armies, or preserve the People from their Rudeness, or Violence, and Factions, if they have no Chief Commander? And have not our Peers, and Commons, as good right to preserve and settle the Government now, as any of their Forefathers had? How long shall the Nation stay for this King's Return? He best knew the Reasons for his deserting the Government; and if the Kingdom had delayed to settle it Self, he would then have, by the Counsellors of Evil, had made us see a greater necessity of having him, and wrought upon our wanting him for a Head, to go besides our selves like a distracted People, a foolish People of no understanding. In our Case we had as good Reason to settle the Govern-

Government, as ever People had to put themselves into a Form and Order. And it is an inestimable Mercy, that God presented to us such Royal Persons, so nearly related to the Inheritance of the Crown, to fill up the Vacancy. *James the 2d* was not deposed, nor molested, neither for his Religion, as inconsistent as it was with the Religion, Government, and Happiness of the Kingdom. The Accusation of Deposing the King, is altogether untrue; He made the Vacancy, and when it was made, it must be filled up. Come, Doctor, now let us follow Dr. F. to the next Section.

K. There you will see what he saith of the general Declaration of Loyalty.

T. So I do, p. 337, &c. "The more general Acknowledgment for the preservation of the King's Safety, is that which is required by the Act of Uniformity, and enjoined upon all Civil and Military Officers. The first Clause of which is, that it is not lawful, upon any pretence *whatsoever*, to take Arms against the King, &c. p. 338. The sense of this is, no more than what the Church of *England*, and Eminent Members thereof, hath constantly acknowledged. *Homil. of Obed.* part. 2. Can. of 1640. & *Judicium Universitatis Oxoniensis*. The Doctor goes on to give some explication of the Oath, N. 3. "This Clause being framed and enjoined by an English Parliament, not without respect to the disloyal and unchristian Proceedings in this Nation, and tendred to English Subjects, and relating particularly to the King, not indefinitely to any King, can bear no other rational Construction, than to condemn the *English Subjects* taking Arms against their Natural Sovereign, the King of *England*. And therefore, though the like Attempts against any other Kings, who enjoy Sovereign Authority, are equally blameless in their Subjects; yet this Position doth not assert the utter unlawfulness of taking Arms, amongst other Nations, against him who hath the Title of King, if he doth not therewith enjoy the Right of Supreme Government, which our Kings have and exercise. And therefore in such a Constitution, as the *Lacedemonian* was, and *Tarobana*, &c. we are not concerned, p. 339.

"—The true Friends of the Church of *England* have been free from disloyal Actions and Assertions, N. 4.

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He repeats several pretences for War, but all unlawful, &c.

Sir, I am resolved to be brief with you; Therefore shall make some short Remarks.

1. I note, He grants the position holds of the K. of *England*, because he *hath and exerciseth Sovereign Authority*. Why Dr. *Falkner* should be honoured, who saith as much as *Calvin* did; yet *Calvin* is commonly branded, and Dr. *F.* admired and honoured; see *Calv. Instit. cap. ultimo. L. 4. Sect. 31.* doth shew us the power of Prejudice.

2. The reason why our Kings must not be resisted is, because they have *Sovereign Authority*. Which really is but a limited Sovereignty of Administration, and not of Legislation. The Law makes the King to be Supreme Governor, and not sole Legislator: and it hath been debated, Whether the King can refuse to sign such Bills as have past both Houses, according to the Order of the Houses? His Power of Calling and Dissolving Parliaments at his own Pleasure, hath been deemed an Usurpation upon the Rights and Liberties of the Kingdom. K. *Ch. I.* in his Answer to the *xix Prop.* confesseth, "In this Kingdom the Laws are jointly made by a King, by a House of Peers, and by a House of Commons chosen by the People, all having free Votes, and particular Priviledges: The Government according to these Laws is trusted to the King. You see then, what a Sovereign Prince our King is, only in some respect.

3. Another Reason against taking Arms, and for the Sovereign Power of Kings, is, because the *jus Gladii* is in the Hand of the King, determined by the Word of God, as Bp *Saunderson* affirms, *Pref. Sec. 15.* and is determined to belong to the Kings of *England*, as Dr. *Falkner* pleads, p. 347. Be it so; yet this is far also from the present Case truly stated. The late Invasion and Insurrection was not to take the Power of the Sword from the King, nor to deprive him of that Authority which he had from God, and the Laws. The Power of the Sword and Militia, is not intrusted in the King's Hand for the Destruction, but Protection of his Subjects. The Office of the King, and the use of the Sword, is declared to be for the punishment of Evil-Doers, *Rom. 13. 4.* But what? when the Sword of the Magistrate is abused against a Kingdom's Right and

and Safety? The Militia which the Apostle speaks of, in that place, is a Power to Punish, and to take Vengeance upon Evil-doers according to their Crimes. And the Sword being the Instrument of the forest and highest degree of Punishment, which is Capital Punishment, comprehends under it all degrees of Punishments. And this Power of the Sword, which is chiefly placed in the Hand of the Supreme Magistrate, is distributed in the Hands of all inferior Magistrates, and Officers, that administer Justice, and punish Offenders. What is this to the raising of Armies? maintaining standing Armies? disposing Military Officers into places of Civil Government? and to debase all places wherever they come, and to oppress the Nation? And here's another Consideration worthy your Notice, That a King that maintains Arbitrary Power by the Sword against Law, and standing Force in Times of Peace, turns the Civil Government into a military; and that is not the Government of *England*. That which some speak, that the King of *England* hath *Merum Imperium*, will do us no Hurt, if rightly understood. *Gladus indicat, illos, ut Jurisperiti loqui solent, imperium habere merum*. What's that? *Ulpianus ait, illud esse merum imperium quod habet potestatem Gladii, ad animadvertendum in Homines facinerosos*. *Peter Martyr* on *Rom.* ch. 13. If this right use of the Sword, or avenging and punishing Power were duly observed; what Work would it make among them who wear the Sword? The Contests that have been in this Kingdom about the Power of the Militia, and the use that hath been made of it, is a matter of doleful remembrance. And also, how soon after the Militia, (which was disputable before, and undetermin'd) was declared to be in the King, the Edg of the Sword was turned against a Protestant State to swallow it up, if they could, is not forgotten. And how we were oppress'd with Royal Aids, and vast Payments, to maintain that Sword, is felt to this day. "If the King alone hath the Power of the Sword, the Commons of *England* in Parliament have the Power of the Purse, the Sinews of War and Peace, as King *Ch. I.* acknowledged, *Answ.* to the xix. *Propos.* And as long as our Kings advise with their Parliaments about War and Peace, as they were wont to do, as that Learned Sir *Robert Cotton* proves, in his Treatise on that Argument, *Anno. 1621.* it must be our Fault, and God's Judgment

*Disposing, in order to have them made Parliament-Men by false Returns.*

*Merum Imperium, What?*

*The Declaration of the Lords and Commons, July 1. 42. A Second Remonstrance, Jan. 16. 42. The King's Letter to the Sheriff of Leicestershire. VVhitlock's Memorials. Anno 1642. And at the Treaty at Uxbridge, 1644 p. 124.*

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Judgment upon us, if the Sword do hurt us. But how God hath vouchsafed us that Mercy, in disposing of the Crown and Sword, that we shall not fear the Sword, nor grudge to pray Tribute to them that are the Ministers of God for Good.

4. All that the worthy Doctor speaks of Fanatick Notions and Assertions, and of the War between the King and Parliament, belongs not to this present Case, any further, than the Common Reason of both is concerned in them.

5. Those Cases in which both *Grotius* and *Bare'ay* affirm, that a King may be resisted, are with the Doctor but imaginary Cases, which for the ill Consequences of Misunderstanding them, are not to be supposed.

6. He at large shews what security the People of *England* have, for their Liberties and Religion, so that they need not fear any Extremities to drive them to take up Arms.

7. There is something that comes near our Case, in p. 517. First, "That the Agreement of the whole Body of the People, or the chief and greater part thereof, can give no sufficient Authority for such an enterprize (as taking Arms against the Sovereign, when oppressed by him) because," saith he, the whole Community are Subjects, as well as the particular Persons thereof. And with especial respect to this Kingdom, I have observed, that the Laws declare it unlawful, for the two Houses of Parliament, though jointly, to take Arms against the King.

Here are some Mistakes delivered by the worthy Doctor.

What a Community is.

(1.) He saith, that the Community are Subjects. A Community as such, is the Subject of a Common-Wealth, in a state of Freedom, not formed into a Government. The *Majestas Realis* is in the Community, and the Community is one Person in Fiction of Law, and is *Persona conjuncta*, as the *Civilians* speak. So Reverend Mr. *Lawson*, Answer to *Hobs*, p. 21. & *Polit. Sacra & Civilis*; A Community is the Matter of a Common-Wealth, c. 15, 206. A Community contains in it virtually all the Forms and Degrees of Government, and Governours, that arise out of it. A Community, as such, is no Subject. But if the Doctor mean by a Community, all the Common People subjected by their own Consent to a Sovereign, or Governor, then they are Subjects indeed,

as contradistinguished from Superiors. But if all, or the greater part of the People, (by which I do not understand the Vulgar) Peers and Commons, perceive the Constitution to be in apparent hazard of being destroyed, what they act in the necessary defence of the Government, and Fundamental Laws, and for their preservation, they do not *act as meer Subjects*, but *as one Party* in Covenant and Contract with him, who threatneth to bring them to Confusion, by destroying their Government.

(2.) It doth not follow, that because both Houses cannot take Arms against the Sovereign, therefore the whole People, or the greatest part of the People, (among whom we include the wisest and the best Part, and the Nobility of all Degrees) cannot in such a Case, as ours lately was, take Arms: For tho a Parliament be entrusted to act for the People, in those Affairs to which they are called and summoned, yet not with all the Rights and Liberties of the People. But now, here is an extraordinary Convention, and the Representatives of the Commons in it, have an extraordinary Trust, even that of forming us again, and settling us upon the best Foundation. And for this Reason, though this Convention wanted the usual Call, by the King's Writ, it is one of the greatest Conventions that ever was, and its Acts of greater Authority, in the extent of it, than any ordinary Parliament; and therefore the People of *England* are concluded by them in what they do. The Nation was generally sensible of approaching Ruin; they knew the King had left his Government, and willingly and freely elected their Representatives, to do the best in their Wisdom for the Kingdom's good. And the Constitution and Government is not changed, only the Persons of our Supreme Governors.

(3.) Parliaments, and their Powers, have been much decried, and debased, especially of late Years. But though every Individual be a Subject, and the whole Body stile themselves the King's Subjects; yet, as a Parliament, they have a part in the Legislation, and therefore an essential part of Dominion in them; and as making Laws, they are above themselves as obeying Laws.

8. The Doctor instanceth in one Case, p. 542. "Whether  
"if a Supreme Governor should, according to his own Pleasure,  
"and



## A Debate between Dr. King's-man,

"and contrary to the established Laws, and his Subjects Pro-  
 "perty, actually engage upon the destroying and ruining a  
 "considerable part of his People, they might not defend  
 "themselves by Arms? (yet this is packt up among No-  
 "tions, and not to be supposed). But, p. 544. "*If ever any*  
 "*such strange Case as is proposed should happen in the World,*  
 "*I confess it would have its great Difficulties* ; and quotes Gro-  
 "tius, that in this *ultimo necessitate prasidio*, as the last Re-  
 "fuge, Defence is not to be condemned, provided the Care  
 "of the Common Good be preserved. And if this be true,  
 "it must be upon this Ground, that such attempts of ruin-  
 "ing, do, *ipso facto*, exclude a disclaiming the governing  
 "those Persons as Subjects, and consequently of being their  
 "Prince or King. And then the Expressions of our *Publick*  
 "*Declaration* and Acknowledgment would still be secured,  
 "that it is not lawful, upon any *Pretext whatsoever*, to take  
 "*Arms against the King*. That is, at last the Doctor con-  
 "fesseth such a King to be no King. Whether this be not the  
 "Case, or much like to that we were in, I refer it to all that  
 "know the Motions of the late King. Did he not act to the  
 "destruction of Property? He might as justly have filled all  
 "our Churches with Popish Priests ; yea, and our Houses with  
 "Inhabitants, as some Colledges in the Universities. Did he  
 "not go as far and as fast as he could, to destroy our Religion,  
 "which is our dearest Property? And what would have be-  
 "come of our Liberties, if a pack'd Parliament could have  
 "been made, and the Popish Lords have sate in the House of  
 "Lords? And what of our Persons and Lives, if we had not  
 "been delivered by an extraordinary Providence? And I will  
 "add but this under this Head, That all the Gentlemen that I  
 "have discoursed with, who took up Arms, profess they would  
 "never have taken Arms against the King ruling by Law, as he  
 "was bound to do ; but look'd upon him as no King, *i.e.* no Le-  
 "gal King of *England* in the exercise of his Power ; and that  
 "there was no other way left for them to preserve themselves,  
 "our Laws and Religion.

K. But this doth still stick with me, that we declared,  
 or swore, That it was unlawful to take up Arms upon  
 any *Pretext whatsoever*, therefore not upon this *Pretext*, or  
 for *this Cause* ; or any other real or Imaginary, either this,  
 or any that can be imagined possible.

T. I

T. I must say less upon this Head than I have to say. I am extremely deceived, 1. If Popery was not design'd, to be either made the topping Profession of the Nation, or so far countenanced and upheld, that it would be in a fair way to be restored, as the Religion of the Court and Country, when that Act was made. 2. This could never be, but by the Arbitrary Power of the King. 3. To set up and maintain that, the sole Power of the Militia is put into the Hand of the King. 4. The War of the Parliament against the King, is made Rebellion by Law. 5. All those things had been insufficient to serve the Design of introducing Popery, which could not come in but by Arbitrary Power, unless an Oath be devised, and imposed, to tie the Hearts and Hands of the Subject from thinking to act, or acting against the Armed Force of Arbitrary Power. And, lastly, no word was large enough to comprehend all possible Causes, or Reasons of Opposition, but *whatsoever*. Do the Pope's Creatures what they they will, we are tied up, by, *upon any Pretence whatsoever*, to look upon our Miseries coming on, and passively to lie down at the Feet of Popish Majesty, *i. e.* cruel Tyranny, and thereby become Vassals to the Triple Crown.

Sir, I have subscribed the Declaration of my Consent to that which was required as a formal Oath of all Officers, Civil and Military; thinking it was but Reason and Duty to give the King, as a lawful Governor, security in his Throne: But the sense I had of it was to this purpose; I do believe it is not lawful, upon *any Pretence whatsoever*, or from any Cause, or Reason pretended, for Subjects to take Arms against the King, my lawful Sovereign, (for to such a King we are subjected) and that I do abhor that traitorous Position, of taking Arms, by his Authority, against his Person, or against those that are *legally* commissioned by him, (all other Commissions that are not legal, being really none of the Commissions of the King of *England*, who is bound to govern according to Law) in the legal pursuance of legal Commissions; and that I will not at any time endeavour any alteration of Government, either in Church or State, *by any unlawful ways*. And more than this, no King that means the good of his Subjects, can desire; and this a peaceable Subject may conscientiously

*The evil Design of framing that Oath, to bring the Nation tamely under Arbitrary Power and Popery.*

*The Sense of the Declaration of Non-resistance.*

*See, if you please, an Enquiry into the Oath required of all the Non-Con. by an Act made at Oxford; by that wise and worthy Man, Mr John Corbet.*

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tiously give, if the King require it, for his Satisfaction. But now, if a King act contrary to the Laws, not by a particular Act, or Acts only, by which many private Subjects are injured, or oppress, but to the changing the Fundamental Government, and overturning it; then when the Cause is not a pretended Cause, framed by Jealousy, or uncharitable Suspicions of the King and his Ministers, whether the Body, and Majority of the Kingdom, may not, in an Extremity, appeal to the supreme determination of God by the Sword, and vindicate the Right which they have to their Religion and Liberties, is a Case wherein it appears, even by Dr. Falkener, that the King is no King; and by Consequence, the People which before were Subjects to the King, while he acted as King in a legal manner, are no further subject; and so the Oath is not violated, but stands good. The word *Whatsoever*, is intended in the largest sense, and is so used in the Canons of 1640. and the Writings of several Men, as well as Dr. Falkener. But then, I ask, Whether the King of *England* may act and do, beyond and contrary to the Laws of his Government, not in some particular Instances, to the particular Injury of some private Persons, but against the Foundations of the Government, and Interest, Peace, Welfare, Property, Liberty, and Safety of the whole Protestant, and greatest part of his Subjects, be to be deemed the lawful King of *England*, as he was, or would be held and reputed to be, if he ruled as a sworn King of *England*. And then, Whether the People of *England* are by the Laws subjected to an Arbitrary, Jesuited King, or to a Regular and Regulated King? Whether the Subjects of *England* are bound to whatsoever a King pleaseth to do, set up, and command? or to those things only which are commanded them by Law? If the Laws be the Rule and Measure of their Obedience, and those Laws no other than what were made by their own implied Consents, then the Subjects of *England* have not in this Extraordinary Action, broken the Bonds of their Subjection, but acted for their own Preservation, as a People that were never bound to an Arbitrary Absolute King. If the Parliament that enacted that Law that prescribes this Oath, did intend to bind all those Persons enjoined to take it, to an unlimited Obedience to all manner of Arbitrary Commissions and Commands whatsoever of the King, then they allowed

*When a King goes about to set up a new Form of Government, contrary to the Rights of the People, the People as a Party in Contract and Covenant, and still willing to perform their part, take Arms as a Party to maintain their Rights, which are invaded, and do not rebel as Subjects. So that the People of England are considerable, as a Party in a legal Contract with the King, as Subjects.*

allowed to the King scope enough to run out into all Excess of Arbitrariness, and did by that betray the Kingdom to the Will of a King, be he Papist, or Tyrant. But this we cannot think to be in their Minds, (though there was a great number in Favour and Pension to serve the secret Designs of the Court). But if they intended no more than the Safety of a Legal King, acting Legally, from ill Principles and Practices of bad Men, then the Note of Universality *whatsoever*, was never intended to subject the Kingdom to Arbitrary Dominion; and then it will follow, that they who took this Oath, are no further bound, than to an Universal Obedience to the lawful Commands of the King, and are not guilty of Perjury by their late taking Arms, for they did not design to break the Yoke of Government by Rebellion. Not only the Author of the Enquiry into the Bounds of Obedience, but also the most Reverend Arch-bishop *Usher*, in his Treatise of the *Power of a Prince, and Subjection and Obedience*, doth interpret the Note of *Universality All*, *Ephes. 5. 24. Col. 3. 20.* with a limitation, p. 143, 145.

K. But those Commands are Affirmative; and this Oath is Negative, *It is not lawful upon any Pretence whatsoever*, binds at all Times, and to a total universal abstinence from taking Arms. And those Commands require Active Obedience with a limitation; and if we cannot actually obey, we must suffer, and not rebel, but bear even with a Tyrant; for the Laws have prohibited the Subjects to take up Arms, they have no Law that makes it lawful in any Case to take up Arms, therefore they must be Passive. The Law is against Arms, therefore it is unlawful; they have no right to the Sword, therefore it is unlawful for them to take it.

T. I cannot speak to every Branch of your Objection. Besides, what I have said, I am in reason constrained to think and speak, that the late King acting as he did, did not act as King, and that his Attempts were growing more intollerable; and that as there is no Provision in any Laws for the Peoples taking of Arms, so there is none which forbids them to defend the Government, the Legislative Power, and Religion established. There is no Law, nor Right, to bear out the King in doing as he did. He broke the Foundations first, and in reason, if the King may defend his Sovereignty from the Inva-

*Did they intend to bind themselves and their Posterity from taking Arms, even when a King shall go about to change the Legal Religion, and change the Government? If they did not, then in this Case the Oath bindeth not. That they did not, seems plain by the Oath, which was for the preservation of the Government, and against the alteration of it.*

*As Subjects they may not, but as a Party, I ask you, why they may not?*

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sion of his Rebellious Subjects; so the several Degrees and Ranks of the Kingdom may defend the Government from being changed, and their Properties, Liberties, Religion, and Lives from being destroyed. If a King shall set himself against the Constitution, and the Publick Good, he is no longer that King to whom the Laws oblige us: And is it not plain to every Man, that seeing he could not have his way in Governing, or rather Dissolving, he will no longer abide in the Kingdom? To suppose that the Laws would provide in what Cases a King may turn Tyrant, and allow him to turn the Militia against the Kingdom; and in what Cases the Kingdom may take the Sword against the King, is to suppose such a Law, as would be inconsistent with the Constitution: For as the King would never pass an Act that should make it lawful for Subjects to rise in Arms against him; so it is not to be thought, that the Lords and Commons should consent to such a Law as would enable the King to destroy the Government, Religion and Laws: The Consent of King and Parliament is not to be supposed to make such a Law, for one against the other; and without the consent of both Parties there could be no Law. And such a Law would not prove safe to the Government which is preserved by Union: As the Subjects run the hazard of Life and Estate if they rebel, so the King doth run the hazard of his Crown, if he usurp, and make himself to be what the Law hath not made him, but directly contrary.

To conclude this Head. How many Violations had we been guilty of? even of all the Bonds of Nature and Religion, if the Papists, and their Loyal Friends, had not been opposed at this Time. And though in this Case, it is lawful for a People, a free People, by the Constitution, to preserve Themselves and Posterity from Slavery and Idolatry, yet it is unlawful for Subjects, as far as they are Subjects, to rebel against their King; and it had been happy, that Oath had never been enjoined, if any took it ignorantly, and rashly, or brake it in their Hearts intentionally; or were actually the occasion of promoting Arbitrary Power, and Popery by it; or had any Design against the King's Dignity, out of Revenge, or for private Ends; the Lord grant unto them Repentance for the forgiveness of their Sin, and cleanse the Land from the guilt of multi-

multitudes of Oaths, not well understood, nor kept.

K. But we know the Scripture is plain against Resistance, and we have many Examples against Resistance, and for Passive Obedience. And our *Homilies* condemn it, and the Friends of the Church of *England* have always been Guiltless.

T. Shew me, if you can, any thing in Scripture, Precept, or Example, that condemns such an Action as this was, in the Circumstances of Persons, and Causes. The *Homilies* do insist much upon the Example of *David*. I allow what they teach: But I will make the Case worse than *David's* was. David's Example.  
Had *Saul* brought in Foreign Forces, and turn'd his Strength against the Kingdom, and done all after the manner of the King, 1 *Sam.* 8. it had been utterly unlawful for *David*, and all the People of *Israel*, to take Arms against *Saul*, or depose Him, for there was a Law of God binding them to make him King, whom the Lord should choose, as he chose *Saul*. See the 17th of *Deut.* 14, 15. The Case of *David*, and ours, differ as much as the Case of a private Subject and a free People, as we were, when the King set Himself to do as he did. *David*, though appointed to be King, was but a private and particular Subject under *Saul*; and *Saul* was nominated and appointed King by God himself, and it was God's express Law, *Thou shalt in any wise set him King over thee, whom the Lord thy God shall choose, Deut.* 17. 15. And when *David* gave this Reason, why he would not do what his Party would have had him do, he said; *God forbid I should do this thing unto my Master, the Lord's Anointed, to stretch forth mine Hand against Him, seeing he is the Anointed of the Lord, 1 Sam.* 24. 6. *His autem Verbis David tantum spectabat Institutum Dei.* *David* regarded the Appointment of God.—*Ergo injussu Dei non debeo eum deicere,* Therefore without God's Command, I ought not depose him. *Pet. Martyr* on the words.—And that Learned and Reverend Man answering the Reasons of some who thought *David* might lawfully have killed *Saul*, gives the Reasons why he could not. They say, *David* was King. *Esto*, be it so, saith *P. Martyr*; but he was not publicly inaugurated. *Vim vi repellere licet*, say they, *Fateor*, I confess it is lawful to repel Force with Force, saith *P. Martyr*. *Sed inculpata tutelâ*, with an innocent or blameless Defence, as *Civilians* speak; that is to say, if they cannot fly, nor defend them-



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themselves any other way. But *David* saw he might defend himself another way, *David ergo non potuit ullò jure Saulem occidere.* *David* could not kill *Saul* by any Law or Right, especially when he saw that would tend to the Overthrow of the Common-wealth.

*If it was lawful for David to take Arms, and head a Party for his own Defence, why not for England as one Man? And then how can this Oath be continued which forbids that (in your sense of it) which the Scripture allows, and no Man, I think, denies.*

Indeed the Case of *David*, and ours, agree not in any one Circumstance. If *David's* Example be imitable by us; then, as all Men I think will confess, that it was lawful for him to take Arms to Head a Party to defend himself: Then is it not lawful by this Example for the Kingdom of *England* to take Arms? and if so, then how can any Man be bound not to take Arms against the King upon any Pretence whatsoever by virtue of a Law, when it is lawful by the Example of *David*, to take up Arms? But you will say, That *David* fled and shifted for Himself. Yea, true, But whither can the Kingdom of *England* (I mean the Protestant Subjects, which being the Majority of the Kingdom, may be called *the Kingdom*) flee? Where could we have Caves or Garisons to shift our Wives and Children into? Yea, more, Our King fled, and was not pursued by the Sword; he was in the Power of the Prince of *Orange*, and was neither deposed nor killed, nor as much as the Lap of his Garment cut off, nor threatened if he would not go. Who of all the great Men in Arms did as much as suggest, as the followers of *David* did? 1 *Sam.* 24. 4. Had the King pleased to return to his place of Governing by Law, and sufficient Caution and Security given so to do, he might have staid at *White-hall* in Peace and Honour: but that would not be, and God hath done above all we would ask or think.

K. But here was a Resistance, and that is determined to be sinful, and damnable, by the Apostle, *Rom.* 13. 2. *Whosoever therefore resisteth the Power, resisteth the Ordinance of God.*

T. I conceive the Apostle doth not, by God's appointment, institute any Form of Government in that place, neither Imperial, nor Monarchical; much less doth he speak of Absolute, unlimited Kings. But there is an admirable perfect Draught of Government and Magistracy. The Magistrate is a Person clothed with Authority, armed with the Sword, with Power and just Force to defend the Good, to punish the Evil-doers: And so he is the Minister of God to thee  
for

*And the Nero was an Absolute Tyrant, the Apostle speaks only of Authority, or lawful limited Power.*

for Good. There is a distinction between Good and Evil under him; that which is Good, is prescribed by good Laws; that which is Evil is forbidden by Law. A good Magistrate, that is the Minister of God, doth govern by Law, and looks to the righteous administration of Government according to just Laws. The Sword is the Sword of Peace and Justice, as well as of War in a just Cause; the End of this Ordinance of God, is publick Good. I ask you, Doctor, is Popery an Ordinance of God? Is the introduction of Popery, and holding correspondence with the Pope, by an Embassador, and a Nuncio, an Ordinance of God? Is Arbitrary Power an Ordinance of God? When you prove these to be Divine Ordinances, then lift up your Voice like a Trumpet and declame against Rebellion; for these were some of the Things opposed and resisted by our Nobility and Gentry, with their Forces. Could the King lawfully become the Minister of the Pope, and Jesuits, for Evil to the Nation? Had he Law and Right upon his side to do what he did, and what he was carrying on almost to a Conclusion? Was he not bound to govern by Law, and to keep his Word?

K. What of all these Questions? What do you mean?

T. You shall have more Questions yet. What Authority had the late King to change the Government in the Essential parts of it? Had he the Legislative Power in Himself? Surely no. Then where the Legislative is, there the Supreme Authority is. And the Supreme Governour hath his Authority to rule according to those Laws enacted by the Legislators by way of trust. The Prerogative and Power of the King, is often acknowledged by K. Charles the First, to be in him by way of Trust, in his Answ. to the xix. Propos. p. 1. p. 5. *lin. ult.* p. 18. *The Government, according to these Laws, is trusted to the King*, p. 23. A trust by God, Nature, and the Laws: true in several respects. He who acted without, beside, and contrary to the Law, not only touching private particular Person, and Causes, but Root and Branch of the Government, was the King that was resisted in England, and no other.

*The Supreme Power is in the Legislative.*

K. But he is trusted by God, and Nature, as well as by the Laws; suppose he broke his Trust according to Laws he is not deprived of his Trust according to God and Na-

ture.

T. I

The Power of  
the King is a  
Trust.

T. I answer : The trust received from God and Nature, is, to govern righteously, and no otherwise, is it not? if it be, then he is trusted by God and Nature to govern according to the righteous Laws of the Kingdom.

K. But we ought to have suffered to the uttermost, and not have resisted our lawful King, the Lord's Anointed.

T. 1. We deny, that we resisted a Lawful King of *England*.

2. They who preach'd up Passive Obedience, seem'd to preach altogether in design upon others. Had we seen them lead more mortified Lives, had they denied themselves more, we might have believed they were in earnest. But who drank Claret more freely? lived more delicately? or were more covetous, if not ravenous for Preferment after, and upon Preferment for themselves and their Friends, than the most of them?

3. I have not seen the Ceremonies of the Coronation, I heard and believe he was Crown'd, but heard not he was anointed; but if he was Anointed, there is an *Ordinatio Permissiois*, & *Ordinatio Commissionis*, as the Reverend Bishop Morton distinguisheth, in his Sermon on *Rom. 13*. Before K. Charles I. at York, May 15. 1639. apply it. And it is observable, that God, who permitted a Popish King to rule a while, he did not permit him long; but when it was to be determined, whether he should go on in his Ways, God took away his Spirit, that he could not command the Sword, in which he trusted. There was no more done against him, than what *David* did, nor so much; and God most graciously interposed, and suffered no more to be done. And so the Great God, the Fountain and Giver of Authority, hath determined the Case. And there are two Notifications of his Will made known, 1. In taking away Counsel and Power from the One; and, 2. raising a mighty Spirit of Courage and Conduct, in the often despised Prince of *Orange*, and that State, and turning the Spirits of this great People like one Man, to oppose Popery and Slavery.

K. But Providence is dark, and an uncertain Guide; look to the Rule, the Law of God and Man.

T. Such apparent Providences are to be adored, as Supreme Decisions, of Cases reserved in the Divine Power.

2. I ask, by what Law did so many Learned Men oppose Popery, and the King's Will, with their Learned Pens? Had they Law for it? shew it. Was not that a Resistance? and a provoking one too? For ought I know, by the same Reason, a Souldier may take his Sword, who cannot dispute and write in this Cause, as justly as a Scholar or a Divine may take his Pen and oppose. I grant a Disparity in the Instrument and way of Resistance, but the Reason or Motives of the one and the other the same. But as the one doth it to maintain the Truth of God, to confute Idolatry and Errors, and to save Souls; so doth the other, and more than the Scholar doth, for he labours to save Life and Estate, Liberty and Property, and the Protestant Religion abroad, from being persecuted out of the World, whereas the Scholar by his Disputes doth irritate, and defends the Cause, but not the Persons that are in danger. And why may not a Peer of *England*, and a Gentleman, use all his Power, Wisdom, and Interest in such a Case, as well as a Scholar use his Reason and his Books? The Disputant is not passive, but doth resist in his way; and is it not then unlawful to contradict, as well in its kind, as to contra-act.

*Is not writing  
against the  
King's Will,  
Resistance?*

Is it lawful for me to defend my Inheritance by Law, from the King's Incroachment? You'll say, it is. And why is it not lawful for a Kingdom to defend their Inheritance in Religion, and Laws, by the Sword, when there is no other way left? There's a Treason against a Government, as well as against a Governor. Every free-Man of *England* hath a share in the benefit of the Fundamental Constitution, and ought to be aiding and assisting in his place to defend it, from pernicious Changes.

K. But is it fit the people should judg?

T. That kind of Passive-Obedience, ill stated, and ill timed also, is blind Obedience. The Wise, and Great, and Good Men of the Kingdom, are competent Judges of Fact, and Law also. And a share is due to them in the Legislative also, and a share is due to them in the Judicial and Executive Power. And if they clearly see through right Mediums, that they are in danger of being denied their Right, I ask you, What Law doth forbid them to vindicate their Right, and defend the Government? There is no Law of *England* that doth forbid the Kingdom to preserve its Legislative Power, and Hereditary

H

Right,

\*

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Right, to a great share in the Government. And their lying still in such a Case as ours, had been to suffer the ruin of the Ancient Establishment, and the erection of a New, after a Jesuitical Model. There is no positive Law that forbids all Endeavours, even by Force against Force in Extremity, when Right cannot be had without it; and if the King be but one of the three Estates of the Kingdom, (as K. Charles the First seems to me clearly to assert, *Answ. to the XIX Propos. p. 12, 13, 18, 19, 21.* of the first Edit. making himself One, and the Houses of Lords and Commons the other Two; and not as some others, who make the Temporal Lords one, the Spiritual the other, and the Commons the third); Then the Lords and Commons have two parts in the Legislation and Government; and if they have not a supposed Right, (which they never gave up, nor was ever taken from them, nor parted with) to preserve and vindicate their Rights and Liberties, and that by Force, or forcible Attempts, when other ways have been used to no purpose; and when Arbitrary Power strikes at the Root of the Constitution; then if they have no inherent Right to maintain their Right to their Liberties and Religion, they have no right to the things themselves, but owe them altogether to the meer Grace, and hold them at the meer Will of the King: if so, then he is an Absolute Sovereign, and may at pleasure make us absolute passive Slaves. But the Monarchy of *England* is a regulated limited Monarchy, we have a legal Right to our Liberties, Properties, and Religion; and the Lords and Commons never parted with their Fundamental Rights, therefore they may vindicate them by their Power and Force, in Extremity and apparent Danger.

K. But the Primitive Christians did not resist Tyrants and Persecutors, though they had Force and Armies; as *Tertullian* and others declare.

T. The Case of the Primitive Christians is nothing to Ours. Christians as Christians have no Weapons but Christian, no more than Subjects as Subjects have a right to Arms, and to make Resistance. And they were then in the state of meer Christianity. Had they a right of Election to be Senators? Had they a legal establishment of their Religion? Was their Consent demanded by Heralds, to have such a Man for their Emperor?

Emperor? Did the Emperor swear at his Inauguration, to govern by Laws, in the making of which they had a share? Dr. *Falkener* arguing against Subjects taking Arms against the King, shews, we need not fear to be driven to it, for we have the security of good and wholsom Laws, fixed with us by general accord of King, Lords, and Commons— And it is a great Priviledg in this Realm, that both Civil Rights, and Matters of Religion, are established by our Laws; and that no Law can be made or repealed, nor publick Monies raised, but by the Consent of the Commons, &c. *B. 2. p. 378.* Had the Condition of the Primitive Christians been like ours, we have no reason to think, but they would have vindicated their own Right; as, had our Condition been the same with theirs, I hope, through Grace, we should have put on the Crown of Martyrdom as they did. The Question is not, Whether it be lawful for Subjects to take Arms against their King, when they have their Rights and Religion established by Laws, and those preserved; but whether a Kingdom, the Peers, Gentry, and Body of it, may not vindicate their Legal Rights, both Sacred and Civil, by open Force, in conjunction with a free Protestant Prince, who hath a Right in the Kingdom to preserve, when there is an apparent Necessity, either so to do, or suffer an intollerable kind of Government to come upon them? And that, at such a time when their Passive Stupidity, Dulness, Compliance, or Cowardise, would ruin their Posterity, and extremely hazard every Protestant State and Kingdom to a speedy ruin and desolation, whom we ought to our power to preserve.

Our Case put  
home.

*K.* But the Church of *England* hath been always Loyal, and the Friends of the Church of *England*.

*T.* And may they be so now, to our most wise and gracious King *William* and Queen *Mary*. I do not very well know, Doctor, what Church of *England* you mean; for there have been several Alterations in it since reformed; nor who you take to be the Friends of the Church of *England*. If you mean such as the Convocation was 1640, as Dr. *Falkener* seems to mean, *B. 2. p. 338.* or the Compilers of the *Homilies*, and their Friends, as he also seems to mean, with the Judgment of the University of *Oxford*, (supposed to be written by Bishop *Saunders*) then all these Friends will not well agree together.



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I do take a great number of the Clergy in 1640, to be of the new fashion'd Church that some had been long a making, and were near to finish. Others were true Friends to the Reformation, as at first old-fashion'd true Friends to the Churches Purity and Peace upon equal Terms. Give me leave to present to you, good Doctor, some of their Sentiments. And I shall shew you what the Old Friends of the Church of *England*, of the first Edition, have said to these Matters in debate between us. And, first, many of your Acquaintance, Doctor, have spit in the Face of the Churches of Christ beyond Sea, and slandered them as polluted with rebellious Doctrines and Practices. But the old true Friends of the Church of *England* have wip'd off the Spittle, and clear'd them from it. They have acknowledged the Form of Government to be divers in divers Countries; they have vindicated the publick Doctrine of the Reformed Pastors, and candidly interpreted the Resistances made against their Tyrannical Persecutors, and allowed Resistance, by force of Arms, of their Magistrates, in some Cases. I fear I should be too tedious in giving you Quotations at large, I shall only refer you to the Writings of the undoubted Friends of the Church of *England*. Great Assistances were sent from *England*, by Queen *Elizabeth*, to preserve the States of the *Low Countries*. Sir *John Fortescue*, in his Speech in Parliament, Anno 35 of the Queen, said, "As for the *Low Countries*, they stood her Majesty, yearly, since she undertook the Defence of them, in one hundred and fifty thousand Pounds. The Burden of four Kingdoms hath rested upon her Majesty. Sir *Simon Dew's* Journal of the Parliaments in Queen *Elizabeth's* Reign. And how commonly are those Provinces termed *Rebels* against the King of *Spain*? King *James* calls those that revolted from the King of *Spain*, and that were forced to make Resistance for Religion in *France*, the *Saints of God*; *Et nonne jam Commota sunt ubiq; arma & in Sanctos, qui per Galliam & per Belgium sunt directa? Commentatio de Antichristo*, printed after Bishop *Abbot's B. Demonstratio Antichristi*, 8°. p. 477. That Learned King had not Sainted them, if he had thought them *Rebels*. See Bishop *Jewel's Defence of the Apology*, p. 16, 17. And what a great Friend was he to the Church of *England*? See famous Bishop *Bilson's* (another particular Friend of Hers)

True

*True Difference*, Edit. 4<sup>o</sup>. p. 512, 515, 518, 519, 520, 521. Bishop Robert Abbot, who wrote a Learned Book, *De Supremâ Regiâ Majestate*; and the more to be noted for that, was *Regius* Professor of Divinity in *Oxford*, hath a notable Passage, *Demonstratio Antichristi*, p. 150, &c. c. 7. §. 6. Bishop Mor-ton's *Treatise of Satisfaction*, hath one part called, *A Justification of Protestants in Case of Rebellion*. There are no Seditious Passages in any of these Reverend Authors. But if these were not in them, what would they be call'd in others? I note this out of *Jewel*; neither doth any of these (meaning *Luther* and *Melancthon*) teach their People to rebel against their Princes, but only to defend themselves against Oppression, by all lawful means, as did *David* against *Saul*. So do the Nobles in *France* at this day. Then to take Arms is a lawful Means, by consequence, (for *David* took Arms, and the Nobles in *France*) — They themselves are best acquainted with the Laws and Constitutions of their Country, p. 16. Touching the Queen of *Scotland*, I will say nothing. The Kingdoms and States of the World have sundry *Agreements* and *Compositions*. The Nobles and Commons there, neither drew the Sword, nor attempted Force against the Prince. They sought only the continuance of God's undoubted Truth, and defence of their own Lives, against your barbarous and cruel Invasions, p. 17. See Addition out of Bishop *Bilson*. I observe, he vindicates *Beza*, and the Protestant Divines, and to our Case of late in *England* may be applied. That which may be done by the Laws of Kingdoms and States, is lawful, and not rebellious, as in the Civil Wars of *France*, p. 511. The Princes in *Germany* may lawfully resist the Emperor, and by Force reduce him to the Ancient and received Form of Government, or else repel him as a Tyrant, and set another in his place, by the Right and Freedom of their Country, p. 513. We grant it to be true, that if the Laws of the Land, as in some places they do, warrant to depose their Governor, p. 517. He quotes the Judgment of *Luther*, when he was informed by Lawyers, that the States of *Germany* might defend themselves against the Emperor, and displace him, p. 518. If a Prince should go about to subject his Kingdom to a Foreign Realm, or change the Form of the Common Wealth, from Empery to Tyranny; or neglect the Laws established by Common Consent of  
Prince

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Prince and People, to execute his own Pleasure: In these and other Cases which might be named, if the Nobles and Commons join together to defend their ancient and accustomed Liberty, they may not well be accounted Rebels, p. 520. In Kingdoms where Princes bear Rule by the Sword, we do not mean the Prince's private Will against his Laws, but his Precept derived from his Laws, &c. *Ibid*. He excuseth the Germans, and Flemings; and of the Scots he speaks full to our Case. The Scots, what have they done besides the placing the Right Heir, and his own Son, when the Mother fled and forsook the Realm? Be these those furious Attempts and Rebellions you talk of? I grant, he saith, our Princes are Hereditary, and that Subjects are absolutely bound to obey, p. 515, 517. But if we are absolutely bound to obey, then the King of England is an Absolute Prince, which he is not over, or in respect of his Subjects, because he rules by Laws made by their Consent; though he be absolute in respect of any Foreign State.

The Passage quoted in Bishop Rob. Abbot is notable throughout. I'll onely cull out of it. *Hic vero publica res agitur, Quid Principi juris in Subditos per Leges concessa; Reip. fundarices promissum sit.* "What Power is promised to the Prince over Subject, by the Fundamental Laws of every Commonwealth; whether he have (*infinitam*) a boundless, unlimited Power, or a moderate, temperate, more or less, by the arbitrament of the Nobles or People. The Roman Emperor was Arbitrary, and Absolute; had Power of Life and Death. Wherefore the Christians could with no Pretence, or Colour, restrain the Violence of those Times, or prohibit those Injuries by which they were vexed. But the Princes of those Nations, which thou (*Bellarmino*) dost mention, have certain Bounds set them, which when they exceed, the Nobles think it is lawful for them to repel unjust Force, and shake off the Yoke by which they are oppressed, contrary to Right and Law. And then defends the Cause of the Protestants in *Holland* and *France*. "And in this there is a difference between these Churches, and the Primitive, which was subject to the meer pleasure of the Emperor, without the least Title to any Law of their own. But when they were armed with publick Right under *Constantine*, they were not only kill'd, as before, but did kill, "and

"and having overcome *Licinius*, and the Tyrants, they eased  
 "their Necks of the Yoke of Persecution. And in such a way,  
 "or for a like reason, hath our Church done, &c. p. 152.—  
 I know there is another sort of Friends to the Church of  
*England*, but I think these now named as worthy of the Name  
 as they, and more to the Honour of it. And these shall suffice.  
 I do forbear to turn to Foreign Divines, that have been in  
 reputation in the Church of *England*, because I will not be  
 further troublesome to you.

As for the *Judicium Universitatis Oxoniensis*, It goes upon  
 those Suppositions, and handles those Matters, which are a-  
 lien to our present Case, and therefore I forbear looking into  
 it.

K. But that which sticks with me, is my Oath of Alle-  
 giance.

T. Why did you not assist the Person of the King to the  
 utmost of your Power, to drive out the Invader, and to  
 ruin your Church and Kingdom? Why did you oppose him  
 in his Declaration of Indulgence? But I spare you. Only a  
 few Questions more and adone. It is plain, the King did  
 voluntarily put himself out of the Exercise of his Autho-  
 rity, and Possession of his Kingdom. Is it to be thought that  
 the Kingdom would be without a King, during his pleasure?  
 or did he not really think, that in the Vacancy, the Kingdom  
 would choose another? If he thought they would fill the Va-  
 cancy, then why did he give way to it? If you say, there  
 was a Necessity for him to depart, in point of Honour and  
 Safety. I know not what his Reasons were; but be they never  
 so many, or great, in his Opinion, I go upon Matter of  
 Fact. The Throne being voided by his own Act, must it not  
 be filled? and did he not think, and foresee it would? then,  
 why did he not prevent it? why did he give way to it? If  
 he made way for a Successor, he made himself a *Dead King in*  
*his natural Life-time*; and Allegiance is due to him no longer  
 than he is King. Suppose he should put himself into a Mo-  
 nastery, or Colledge of Jesuites, or go to *Rome*, or in Pilgri-  
 mage, and put Himself out of capacity to govern the King-  
 dom, doth the Bond of my Allegiance hold, and continue in  
 force upon me? He is as incapable of ruling us in *France*,  
 as in any of those places; therefore I see no reason but to

*Allegiance is not  
 enjoined during  
 the King's nat-  
 ural Life.*

conclude,

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conclude, my Bond of Allegiance is cancell'd and dissolved.

K. But ! two Kings at a time in being ? What ! two Suns in One Firmament ?

T. Sir, I know but one King, and one Queen, both joined in the same Regality. Your Sun is set, he put out his own Light. Be not so fond of your late King, as if you had lost your Mistress, and were resolved never to have another ; for you must have another King, and Queen too, as it happens, we have, by the wonderful Providence and Gift of God, to these Kingdoms, since you and I began our discourse. Come, Sir, let me play a little upon you, I will not hurt you. Were you so truly and perfectly Loyal to K. *Charles* the 2<sup>d</sup>. as not to wish for *James*, while you look'd upon Him as the Rising Sun, that was to Crown your Ambition with Preferences and Happy Days ? K. *Charles* went out with little Mourning, and *James*, came up with greatest Admiration. You were like Persian Idolaters at his Ascent. Do not mourn too much at his Eclipse ? It was his own Free-will ; and we had no reason to resist his Will in going away, and thereby making room for such a Succession, as is to the hearty Joy of the serious part of the Nation, and the universal Joy of all Protestants in *Europe* ! Four Years ago, a gloomy Look, was by *innuendo* a sign of a disloyal Heart ; there was a great deal of dissembled cheerfulness. I hope, Doctor, you will never be presented nor troubled for a discontented Look, nor indicted for a little fit of Sullenness. Come, Doctor, satisfy your self with *St. Paul's* wholesome Doctrine ; *The Powers that be, are ordained of God*, (I believe more than those you hanker after) and hear what a Great Friend of the Church of *England*, an Advocate for her Ceremonies, I mean, the truly worthy Admirer of Free-Grace, and *Calvin's* Friend, the old Bishop *Morton* of *Duresm* speaks ; " Are they then Once established ? then whatsoever the Government be, they are of God, " God owneth them, they may not be disturbed. For as Silver, " whilst it is meer Plate, if it be tendred for Exchange, " may be either taken, or not, by the Party to whom it is offered : but if it once receive the King's Stamp, and be coined, it is Currant Mony, and may not be refused ; Or as " Acts of Parliament, whilst they are but voted, are but only Consents, but after they have the King's Royal Assent, " they

“ they become Statutes, which may not be transgressed. So  
 “ it is in Governments; as soon as it is *κτῆσις ἀνθρώπων*, Cre-  
 “ ated by Man (as St. Peter calleth it) it becometh (thus  
 “ St. Paul) *διτάζειν τῷ θεῷ*, God's Ordinance, and may not *Serv. at York*  
 be resisted. Now, Sir, Our Chosen King and Queen are *before the King,*  
 Created by Man, a Convention that had greater Power and *1639.*  
 Trust committed to them, than any Parliament before them  
 since this Government was first moulded, and are the Ordi-  
 nance of God, therefore scatter the clouds and look up.  
 Receive them as from God, and be subject for the Lord's sake  
 and their own: And to move you from a weighty motive,  
 the present World; Had your King been let alone a while,  
 and you so honest as to refuse to read his Declaration, you  
 had been a Doctor, without Preferment; and therefore,  
 come the worst that can come by a Comprehension, you  
 may have at least one Living; and if you must preach twice,  
 you will have, I hope, peace, to study to make two Ser-  
 mons, or otherwise to edify the Souls of Men in the After-  
 noon as well as the Morning.

*The late Con-  
 vention of great  
 Authority  
 than any ordina-  
 ry Parliament.*

And now, Doctor, I come to the end of what, at our first  
 meeting we fell upon: As I intended, by the help of God,  
 to observe the *Thanksgiving, Febr. 14.* so I have. And can-  
 not Express the Sense I have of the many Causes of Thank-  
 giving. Behold and wonder at what God hath wrought! *Salvati-*  
*on belongeth unto the Lord, his Blessing is upon his People! The*  
*Lord hath answered before we called, Isa. 65. 24. Who hath heard*  
*such a thing? who hath seen such a thing? Shall the Earth be made*  
*to bring forth in one day? or shall a Nation be born at Once?*  
*for as soon as Zion travelled, she brought forth Children. Isa. 66.*  
 8. There are three admirable Providences, to be told our  
 Children, that the Generations to come may praise the Lord.  
 1. The Greatness of our Deliverance, from the Sins, the  
 Curse, the Plague of Popery; the deliverance of our Bodies  
 from the Sword, of our Wives and Virgins from unnatural  
 beastliness, of Papists who put Nature to shame, and yet  
 their Nature cannot blush. 2. The Deliverance without  
 Blood. 3. The Suddainness of it. Providence dispatched his  
 marvellous Work. 4. The immediateness of God's hand.

*As in Savoy,*  
*1686.*

2. After a Deliverance, we are come to a Settlement, the  
 most hopeful this Nation ever saw; in many respects it ex-



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ceeds all that ever went before it; as the Deliverance also doth.

3. That God should make way for it, by taking away the Spirit of the late King, and conveying him away, without reproach to our Religion.

4. The Lord wonderfully united the Spirit of the Nation in the choice of Representatives; and united their Counsels, without tedious distracting Debates, to fill the Throne, to clear and recover their own despised, and almost extinguished Rights, and to do Right to our most Gracious King and Queen, and the Royal Line, upon better terms than they were in before.

5. God hath given a King and Queen of our own Religion, and that the true, rarely set off with an illustrious Exemplariness, Zeal, and Moderation.

6. I rejoyce for the joy of the persecuted, desolated Protestant Churches abroad; and strength added to the Protestant Princes.

7. I rejoyce for the Consolation which this wonderful Providence hath brought to Protestants abroad that have suffered Persecution, and that were in danger to be swallowed up: and that the Prosperity and Peace of *England*, is like to add Courage and Strength to Protestant Princes and States everywhere.

8. I rejoyce that Popery is put to shame and confusion in our Land. I wish the Simple and Deluded may see the Hand of God which is lifted up, and not love Darkness rather than Light. The Lord hath broken the Head of Popish Counsels, disclosed their Secrets, and made them fall in their own Devices.

9. I hope the Lord will finish his work, and having brought to the Birth, will also bring forth, *Shall I cause to bring forth, and shut the Womb? saith the Lord. Isa. 66. 9.*

10. I hope to see Protestants united more in the profession of Faith, Love, Worship, Communion, and Peace, that there be no Colour from Laws to scatter the Flocks; put Lights under Bushels, and make them a Prey to the worst of Men.

11. I hope to see with admiration, *Behold! a King shall reign in Righteousness, and Princes shall rule in Judgment; —*  
that

that the Work of Righteousness shall be Peace, and the Effect of Righteousness, Quietness, and Assurance for ever. Isa. 32. 1, 17, &c.

12. I hope Our gracious King, Queen, and wise Parliament, who are taking off Arbitrary Yokes apace, will take off another Yoke of Arbitrariness in Ecclesiastical Courts. I do not winch because I am gall'd; but rejoice because I am delivered and preserved. There is a great sense among us of the Arbitrariness of Canonical Obedience, which was extended even to Votes for Parliament-Men, and answering Questions, as in the High Commission, proceeding upon Arbitrary Canons, not confirmed by the King's Proclamation; Arbitrary Articles of Visitation, Arbitrary Oaths exacted of Churchwardens, and their Legal Duties never that I could hear of explained unto them: And calling for Subscriptions to Addresses and Abhorrences, to serve the Designs of Papists against us, and deceive the King with Promises.

13. I rejoice, that I am in my place to serve God, out of which I was preparing my self to be thrown out, for not reading the King's Declaration (as it was a means to advance Popery, and not out of a grudge at the Indulgence of Protestants) which had been the means of our ruin, if God had not given him an unexpected Diversion, to look to his own Kingdom, and found him other Work.

Every day will I praise the Lord, and call upon mine own Soul to bless the Lord, and not to forget all his Benefits; and I will, by the Grace of God, stir up others, with an, *O that Men would praise the Lord!* &c. And as I have, since I was capable, kept the 5th of November, so now, while I can, upon another Reason, the most seasonable, peaceable, happy entrance of our now more illustrious, than the then illustrious Prince of Orange, as a Day which the Lord hath made. My Joys may be grievous to you, which I am sorry for; and therefore I will pray, that we may not fail as *Hezekiah* did, to return thanks according to the Mercy received. There are thousands and ten thousands of Mercies and Blessings in this marvellous Deliverance and Settlement of the Kingdom; nothing can blast this hopeful Spring, and silence the singing of Birds, but our continuance in prodigious Profaneness and Debauchery, brought in at the very Heels of the joyful Resto-

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ration of the *King* in 1660. If the sense of Mercy doth but run through our Hearts, and oblige us to think as well of the Practice of Religion, (as it is described, *Tit.* 2. 11, 12, 13. and other places) as we think ill of Popery, all your new *Self of Grumblers* can only give us some exercise of our Charity and Moderation; you, and all your Party, under your antiquated, and self-deposed King, with the hopeful succession of the Prince of *Wales*, and his Brother in the *little Belly* of the Queen, cannot hurt us. Therefore, Good Doctor, *grumble* not against God, our Laws, our King, and Queen, and Parliament, the hoped-for settlement of the Church upon the Word of God, maintained by *unity of Spirit in the Bond of Peace*, and commended in a Better Act, than our last of Uniformity, or else we shall go as far back, as that Act cast the happiness of this Church and Kingdom. For from that day that Act took place, it hath been ill with the Church of God, and Christianity in *England*, and a private Apartment was made for Popery, under the Church Walls.

K. Are you a Conformist, and say so?

T. You have called us *Trimmers*; and our Conformity hath been in a great part from the Principle of Passive Obedience, and Peace and Love to Souls, resolving to go as far with you as we could with a good Conscience. And since our Eyes have been opened to see the tendency of Affairs, we can think no less, and have good Authority for what we say. Godliness and Honesty, with Quietness and Peace, is the desire of our Souls. And, Doctor, do not Grumble: Let not your Eye be Evil, because God is Good. What! hate Popery, and oppose the King's Declaration, and now hanker after your King, whom you cannot have without Popery, if he were not shut out.

K. Conscience and Allegiance.—

T. It is well the power of Conscience is at least acknowledged. Conscience was *Fanaticism* a great while, and a religious Pretence for Rebellion, and the worst of Actions. I wish you a well-settled, inlightened Conscience. And for your Allegiance pay it where it is now due, by God's Providence to a Wonder; by the Laws of the Land, we have God, the Laws, King, Queen, and Parliament for us. Come down, down Doctor, soft and fair, there are a pair of Stairs from your coming down front  
your

your Pinacles, who had never got up, had you not been better at flying up, than orderly Motions and leisurely Ascents. Take your share of a happy Peace, and be glad you are not forced by an Act of Parliament, to renounce your Allegiance to your deceased King, as the *Non-Cons* were to renounce the Covenant. Preach Peace, and persuade the Gentlemen of the Swear, and the Sword, to be thankful they came off so well, and were not kill'd and damn'd at one Day, according to their Atheistical Wishes, for God was against them; the Prince of *Orange*, was Ordained of God to be Victor, and now King. But, Sir, I perceive your Colour comes, I will therefore dismiss you calmly, Live in Peace and Love; Do the Work and Will of God, and so farewell. The God of Peace go with you.

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## An After-Debate,

*Of the Original Contract. P. W. Convention: And  
no Allegiance due to the late King.*

**K.** I Am come again to visit you, and to shew you something that's worth your reading and consideration too. There are some things for you to chew upon.

**T.** You are very welcome to me at all times, who desire a fairness and friendship with you; and if there be a scuffle of Notions, let us labour to prevent the drawing of Blood, and bringing in Popery and Misery about our Ears. There are a new Sect of Seminaries sculking and haunting up and down, sowing their Discontents and ill Nature, under the Name of *Loyalty* and *Religion*; but the best is, their Notions are like heated Corn, chitted in their Brains, that I hope they will not grow, nor come up so tall, as to hide a Rebel in. Well, but, Sir, what have you to shew me?

**K.** Here's an ingenious Paper, called, *The Desertion Dis-*  
*cuss'd*, in a Letter to a Country Gentleman.

**T.** I will peruse it, and deal with it as I find it, or as I am  
able

## A Debate between Dr. King's man,

able. And though you think me prepossest, yet I am as willing to find out Truth, as any of you can be. Let us read him together, and be pleased to insist upon what you think most material in him.

K. I think it is all material, and well penn'd.

T. If it be so material, I were best leave him to be handled by the Author of the *Enquiry into the Present State of Affairs*, whom he takes into his hands to discuss. And if the Bones of his Subject will bear Discussion, without breaking or disjointing, he will sleep the better in a bad Lodging. If any thing be left out by me, think not the Paper unanswerable, for I do not intend a Discussion of him.

1. How saith the Gentleman to him? *Can the Seat of Government be empty, while the King, who all grant, had an unquestionable Title, is still living, and his Absence forced and involuntary?* Here are Suppositions imply'd, that should first be proved: As, 1. A King once supposed to have a good Title, must needs have it during Life. 2. That during a King's natural Life, the Throne cannot be empty. 3. Tho it is true, in a sense, that the King's Absence be Involuntary; so in a sense it was Voluntary. It was a mixt Action; and the Reasons for his leaving the Kingdom are not altogether unknown; and whatever the Necessity was, his Counsellors, and Friends the Papists, with his own Affection to that Interest (which God hath crost for the present, and such as you, acting contrary to God, are active to restore) brought upon him.

In Answer to the Gentleman's Question drawn up by himself, he saith, "The Gentlemen of the Convention, who declare a Vacancy in the Government, lay the main stress of their Opinion, upon his Majesty's withdrawing himself: *For now especially since the Story of the French League, and the Business of the Prince of Wales, are past over in silence, most Men believe, that the pretended Breach, of that which they call the Original Contract, was design'd for no more than a Popular Flourish.*

I confess to you, Doctor, these Lines are very material; of each branch I'll crop a little.

1. The Noblemen and Gentlemen of the Convention, who had the *Personal Majesty* lodged in them in a high degree; and that as they were a Convention, entrusted to act for the Community

munity of *England*, did, doubtless, lay a great stress for their Judgment upon that, which is more than the Opinion of the *Gentlemen*, as he calls them. But the foregoing Actions of the King, terminated in that first Act, had their Share in influencing that Publick Reason so to judg.

2. "The Story of the French League is past in silence. No, Sir, that which you and your Fellow-Rockers of the soft-headed Disciples, call a *Story*, is not past away in silence yet. A Story you'd make it, as if all this Action was begotten by a Story, or two or three Fictions. I shall not without Authority relate what I have heard of that Story. But I build my belief of a designed Mischief upon Publick Evidence, and undeniable, by adding a little use of Reason to it. My Evidence riseth out of *Coleman's Letters*: Letter to Sir *W. Throckmorton*, Feb. 1. 7<sup>th</sup>. "For you well know, that when the Duke (the late King *James*) come to be Master of our Affairs, *Joint Interest with France.*  
"the King of *France* will have reason to promise himself all things that he can desire. For, according to the Mind of the Duke, the Interests of the King of *England*, the King of *France*, and his own, are so close bound up together, that it is impossible to separate them the one from the other, without Ruin to all three; but being joined, they must, notwithstanding all opposition, become invincible. Letter to *Monf. le Cheese*; "The King of *France* esteemed his Interest, and the Interest of his R. H. to be the same, p. 110. and that if his Royal Highness would endeavour to dissolve the Parliament, his Majesty (King of *France*) would assist him with his Power and Purse, to have such a new One as would be for their purpose. His Royal Highness was convinced their Interests were both one. A second Letter to *Le Cheese*: "We have here a mighty Work upon our Hands, no less than the Conversion of three Kingdoms, and by that perhaps the subduing of a Pestilent Heresy, which has domineered over a great part of the Northern World a long time; there were never such hopes of Success since the Death of Queen *Mary*, as now in our days; when God hath given us a Prince, who is become (may I say, a Miracle) zealous of being the Author and Instrument of so glorious a Work. *Collect. of Letters*, p. 118. Now ordinary Reason will hence advance.



advance the probability of all kind of mutual Engagements between these two Princes, to promote the Catholick Interest, by Dragooning us, either to turn Papists, or turn out of the Land. Pray, Sir, can you disprove the Story, as you call it, of the French League? either by detecting the Imposture, or by demonstrating the unreasonableness of the thing. Or is it sufficient, that their being both entirely devoted to the innocent and harmless Society of the Jesuits, to unite them in the same Heavenly and Spiritual Interest and Designs, as would make such a League incredible and un-supposable?

3. The Story of the Prince of *Wales*, (whose Right to the Crown is so clear to some of your Seminaries, that it is as certain as an Article of Faith) is not laid asleep, nor past away in silence. We have read the Observations made upon him, in the *Memorial*, and upon the Queen's Progress with him. We give credit to the Letter of Father *Petre* to *La Chese*. "As to the Queen's being with Child, that Great Concern goes on as well as we could wish, &c. you will agree with me (most Reverend Father) that we have done a great thing, by introducing Mrs. *Cellier* to the Queen, (this Woman is totally devoted to our Society. A rare Midwife of a Plot, to dig a Baby out of a Meal-Tub): "The zealous Catholicks lay already two to one, that it will be a Prince, (he must be a Prince, or as good never be with Child). But that which is pretty indeed in the Reverend Father, is, "That the King's Secret Council think good to wait for the Queen's Delivery, that they may see a Successor, who may have need of the whole Protection of the most Christian King, to support him & maintain his Rights. Now what was to become of the King of *England*? Whither was he to be sent after the Birth of this young Successor? the Question may be asked of the Friends of that little Prince? for was King *James* to live or not? If he was to live, notwithstanding the having of a Prince to succeed him, then why was not he able to support and protect his Successor, and his Rights? Or, was the King of *England* to be disabled from supporting his Successor? The Princes of *Wales* were never wont to have Guardians and Protectors out of the English Dominions. But this Unfortunate Prince, would need Protection from a Foreign Monarch, and his whole Protection. A skirt of his Protection was not large

large enough, he must have the whole Campaign Cloke of his Protection to Cover him, and to support Him, and maintain his Rights? Why so?—Well, it seems Father Petre was a Fortuneteller of the young friendless injured Prince, that he must be carried to *France*, when young and tender, and stand in need of the whole Protection of a Great King.——

4. You say, That which they call the Original Contract, was designed for no *more than a Popular Flourish*. Now, Doctor how doth this appear, that it was no more than a Popular Flourish? what a kindness was the King's withdrawing to the Gentlemen of the Convention, and Men of their Sentiments? had it not been for that, they would have had no stress for their opinion of the Vacancy. For, the French League was but a Story, the Prince of *Wales* was but a Story, which they cared not how soon was laid asleep, or put to silence. And what they call an Original Contract, was but a popular Flourish. Now, Doctor, because your Author is a Man that leads, because he writes, and against a whole Convention also, I will make some further discovery of this Contract, which others of the same Genius make so light of. And here I will shew, what some of Eminency of the Church of *England* have written of it. These Men will not allow the Kingdom of *England*, to be as much as a Contracted Matron; but a Prostitute to Absolute Arbitrary Power.

I have noted before how Bishop *Saunderson* doth labour to manifest the Absurdity, if not Impossibility of any Contract between King and People. But if the People had at any time any Power of Electing their King, it is rational enough to conceive, that they made Conditions and Terms, and would never have consented to their Hurt and Injury. There are several ways of acquiring Sovereign Power. Dr. *Fern*, whose appearance was eminent against Defensive Arms, doth yet acknowledg. "It is probable indeed that Kings at first were by choice Here, as Elsewhere. The Resolving of Conscience, p. 19.——" This I speak not as if the Kings of this Land might rule as Conquerors: God forbid. The King is bound unto all those Laws, Grants, and Priviledges, and that by Oath.——Whereas Our King is King, before he comes to the Coronation, which is sooner or later at his

*Of the Original Contract between the King and People of England.*

## A Debate between Dr King's-man,

Then it seems  
Security must be  
given to the  
People.

"pleasure, but always to be in due time, in regard of the security  
"his People receive by his taking the Oath, and he again mutu-  
"ally from them, in which performance there is something  
"like a Covenant, all but Forfeiture. The King there promises,  
"and binds himself by Oath to performance. Could they shew  
"us in this Covenant such an Agreement between the King  
"and his People, that in case he will not discharge his Trust,  
"that it shall be lawful for the States of the Kingdom, by  
"Arms, to resist, and provide for the Safety thereof, it were  
"something, p. 21. Here is a Covenant and Contract, con-  
firmed by Oath; which is enough to qualify the Spirits of  
them who deride or expose it. And though there be no For-  
feiture mentioned, it doth not follow none can be incurred.  
There is a mutual Benevolence, Hope, and Confidence, in the  
Marriage of the *sponsus Regni* to the Kingdom; it doth not there-  
fore follow, the Marriage-Bond cannot be violated. Suppose  
all that swear Fealty to the King do break Faith with him,  
do they not forfeit their Priviledges, and Honours? yet  
where is it exprest in the Contract or Capitulation? A Go-  
vernment founded upon Contract and Agreement, is not so  
strange a thing in it self as some Men make it to be; when  
there are many Learned Writers that affirm, there can be  
no just and righteous Government, but by Election and Con-  
sent, and that without it Government could not subsist.  
And others hold, though Election and Consent be not abso-  
lutely necessary to a just Government, they say it is to a stable  
and permanent Government. *Arnisaus Relectionis politica*, L.  
2. c. 2. Sect. 6. And, de facto William the First, (who did  
not found his Authority upon Conquest) after he had wasted  
*Sussex*, *Kent*, and other Counties, until he came to *Boarcham*,  
where Arch-Bishop *Aldred*, and *Wulfstan* of *Worcester*, *Clito*,  
*Edgar*, the Earles *Edwin* and *Morcar*, and Noblemen out of  
*London*, with many others, came to Him, and giving Hosta-  
ges, they yielded to Him, and swore Allegiance. *Cum quibus  
et ipse fœdus pepigit*. With whom, He himself made a Co-  
venant. *Floren Wigorniensis*.—And when he and his Normans  
put the State into a Convulsion, by their Oppressions, several  
of the Saxon chief Nobility took Arms to defend their An-  
cient Laws, as having learned of their Ancestors, aut Liberra-  
tem, aut Mortem, Liberty or Death. *Argumentum Antinor-  
manicum*,

*manichum*, p. 26. \* And whereas it were to be wish'd, that there had been a continual intire Confidence preserved between Kings and their Subjects; and that there had never been any Forfeiture made, or Question about it: yet there are forfeitures too often made; and though a People should not be hasty to take the Advantage of the King's Weakness, yet there's a time when they ought to shew, that there is, and must be, a Power in a Common-wealth to save it self from Ruin. And they cannot answer it to God, themselves, nor Posterity, if they shall suffer a King, despirited and disabled by God, to recover Strength, when they saw how it had been employ'd, if Divine Providence had not disarm'd Him.

\* There is another notable Compact related to be made between William and Sigand A. B. of Canterbury. Egel-sine Abbot of St. Austins Canterb. and the Kentish men, who armed themselves against William:

and being ready to engage, a Parley is desired. The Ambassadors of the Kentish-men were commanded to tell William to this purpose. Most Renowned Duke, The Men of Kent do meet thee, they will be thy Friends, and will obey thy Power, if thou grant their just Demands, as those that contend to preserve the Liberty received from their Ancestors, and their Country Laws and Customs, and that will not be brought under Servitude, which they have not tried, and been used to, nor bear new Laws. They can bear Royal Power, but cannot bear Domination. Receive the Kentish-men with undiminished and untouched Liberty, reserved Manners and Usages, their Ancient Laws; receive them not as Servants, but Subjects, well affected to thee. But if thou strive to take away their Liberty, and Immunity of their Laws, thou shalt take away their Lives at once; for they chuse rather to fight at the hazard of Battel with thee, and to fall in the Field under the power of certain Enemies, than in the Court under uncertain Laws. For although the other English can suffer Servitude, yet Liberty is the Property of the Men of Kent. The King disturbed with this Speech, and other Difficulties, took Counsel, for many Reasons, non necessitate magis, quam voluntate, he granted that they should live after their Ancient Laws. Itaque inter Gulielmum & Cantios, initum foedus fuit, & obfides utrique dat. *Antiquitas Britannica*, p. 108. Here's an Original Contract with the Arch-bishop and Abbot, and Kingdom of Kent. If you say, It was lawful for them to resist an Invader, and a Conqueror: Consider, he claimed to the Kingdom by an Hereditary Right, as Kinsman, and Heir by Gift to Edward the Confessor; as right Heir to the Crown, by Succession, as his Successors and Sons, also allidg, who were chosen to the Crown, out of the order of natural descent.—See several Charters quoted to prove this. *Argumentum Antinormanicum*, p. 19, &c.

5. The Gentleman goes on to teach us, that a Parliament and a Convention are two different things; the latter for want of the King's Writs, and Concurrence, having no share in the Legislative Power. This is as much as to say, What have the Convention to do with the Affairs that lay before them? Well, let it be granted, that there is a difference between the Convention and the Parliament: I do humbly conceive, with reverence to those Awful Assemblies, That the

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Convention being called in an Extraordinary Case, for an Extraordinary Work, were trusted with an Extraordinary Great Power by the Community of *England*. The Real Majesty is in the Community of *England*. The Form of Government was dissolved. It is true, the Community was not reduced to the Original, and pure state of Liberty, to frame a new Structure, new from the Foundation, because there were Heirs in pretence, in view, and in expectation : And therefore they were obliged in Conscience to do right to them that had the most undoubted Right. But the Settlement of the Government, in the Person, or Persons, was in them. They were the Highest Power to determine the Pretence of the Nominal Prince of *Wales* : The Order, Limitation, and Settlement of the Succession was in them. And though they had not the Formality of a Parliament, because of the Defect of a King, they wanted not an Original Power to give under God, and for God, Life and Form to the Government it self. The Legislative Power is the King, the House of Lords, and House of Commons. The Business of the Convention was not to make particular Laws, and they did not exercise a Legislative Power, but they were put upon it how to re-establish the Government, as near as possibly they could, according to the Ancient Constitution. And in that respect being to constitute and declare the Persons, who were to have a part in the regular enacting of Laws, they had not a less, but a greater Power than is ordinarily exerted in Parliament. They were not advising how to draw up a new Form or Constitution ; there were Ancient Land-marks to bound them, and the Model of the Building was in their Eye ; and there were Ancient Laws and Customs, both Common and Statute, in Force ; but there wanted an Administrator, a Sovereign to look to the Administration and executive Part. And the ordinary Methods were broken by another who was obliged to observe them. They had as exact a respect to the Ancient Methods as possibly could be had, in observing the number of Representatives, and giving notice to the Electors to chuse their Representatives and Trustees. And they had the Authority of Laws, and Necessity both, for what they did. The Laws, by virtue of which they acted, were Customs immemorial, to meet

meet and consult about the Publick Good, the Good of the Whole being the great End of Society, and Government. The Law of Nature was sufficient to call them together : And the urgent Law of Necessity laid upon them this Duty, which was not of their own making, as is visible to all clear-sighted Men.

As great things have been done in the Days of our Fathers, out of the ordinary Rules, that were never thought to be ill done. Instance is given, not in *Hen.* the 7<sup>th</sup>, but in the Nomination and Proclamation of King *James* the First. One Answer to this Demand may be, "That Queen *Elizabeth's* wise Council did foresee, that this was an effectual, if not the only way to prevent greater Mischiefs and Effusion of Blood, which in all probability had followed, if this Course had not been taken. And in an Extraordinary Case, some Extraordinary Thing, tending to the Publick Good, may lawfully be done. *Lawson. Pol. S. & Civil. p. 87.*—Our Convention will merit an honourable Memorial of all Generations, for what they have done in our extraordinary Danger and Confusion. We are in a way to Happiness, if Unthankfulness and Murmuring doth not cast us back. And such Papers as these will not at all help us towards Peace and Quietness. I have no mind to deal any further with him; I am sorry for him, that he hath given such just Provocation to Authority, as he hath by many Passages in it.

Sir, I thank you for any thing you communicate to me : Now let me put into your Hand, a Rational, Moderate, and Convincing Paper. *The lawfulness of taking the New Oaths asserted.*

K. I should be glad to be satisfied in the Point of Allegiance to King *James* the 2<sup>d</sup>. My Conscience is not at ease, and I am afraid I shall offend one way or other.

T. I am glad Our King, Queen, and Parliament, are so moderate and patient with Our new Dissenters and Seminars. There are two forts we would wish at ease in their own Minds, and for their own Sakes, and of many that are jealous of some strange Mutations among us. But can we expect so great a Deliverance, without any signs of Danger? *Allegiance not due to the late King.*

Man is a fullen morose Creature, if he be not pleased. But

NOW



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now God, with a holy Reverence be it acknowledged, is *pleasing Himself*, whether you be pleased or not. How long shall it be before he have your good-will to advance his own Glory? He hath patiently been gratifying you many Years; even to the giving you the King you prefer'd before all things. You have tried him, grew afraid of him, talk'd boldly of him, and acted too to displease him, and towards his removal also. And now, what's the matter? what would you have? Can you neither be well with him, nor well without him? How many of you acted, as if you believ'd him to be no King? that the Obligation was dissolved between you and Him? This ingenuous moderate Gentleman, presseth that handsomely and home enough. May I be so bold to say something upon this tender Argument of Allegiance? What though many of you knew what Designs were laid, and conceal'd them from the King? did neither argue against them, nor estrange your selves from the Conspirators, preach'd not one piece of a Sermon against them, but went with them, or sent to them, assisted, countenanced, well-com'd them Home, subscribed the Association, voted for Members of the Convention, or joined, being chosen? And yet now recoil! All this and Conscience stand in a Man's way, and put him not only to a stand, but make him retreat in disorder and fear! And tenderness of Conscience is to be kindly used: and for Oaths, in particular, in an Age wherein they have been common to a Sin, and slighted to a high provocation of the Holy God. I cannot stay long upon this. But in short,

1. I grant that Allegiance is due to the Person of a King; and not only to his Crown and Dignity: but then, that Person that possesseth that Crown and Dignity, is not considered absolutely in his Natural Capacity, but in his Political, as vested with the Crown and Dignities of a King.

2. The Person of a King, as King, in the lawful possession of the Crown, is intrusted with the Administration of the Government, according to the Laws of the Kingdom; which he is bound to God, and the Kingdom, by Promise and Oath, to observe. And he ought to give himself to the actual exercise of that Trust and Authority which he hath

3. The

3. The Sovereign of *England*, is only Sovereign for Administration, according to the Laws made by the joint Power of the two Houses of Parliament with him.

4. The natural Person to whom we are Subjects, and are obliged to be true and faithful to, as true Subjects, (How can he watch for our Good, if he be not secure from Danger from us, and of our Subjection and Obedience as ready to serve him, who is the Minister of God for good to us?) The Person, I say, to whom we owe Allegiance, is that Person endowed with Authority and Majesty for the Ends of his Office.

5. If He assume a greater Power than he hath, by the Laws and Constitution, or endeavour by Arts and Force to change the Government into another form, or deprive the Subjects of their Fundamental Rights; then though he be the same Natural Person to whom we promised Allegiance, he is not the same Moral or Political Person. He is not that King to whom we are Subjects, but another, quite contrary to that Majesty intended by us.

6. Allegiance is during the Life of the King, if while he lives he continueth to be King. He may forfeit to God: And if God disable him, or remove him, Subjects are discharged for their Allegiance, while God hath deposed him. He may forfeit to his People, if the Kingdom be *Regnum passionatum, & non absolutum*. Great Failures come short of Forfeitures. And if a King not only cease to rule and defend according to his place, but be so far perverted as to set up his Will, and strive to carry all before it, against the Religion and wellfare of his People, they should be slow to Wrath and Revenge, or to recover their own Rights by Wars, and not at all by Injustice. Many Miseries are rather to be endured than the Miseries of War.

7. It conduceth much to satisfy Conscience, (to understand what Allegiance is. *Ligantia, & indeligitia, & Allegiantia*) *vinculum archius inter subditum & Regem, invicem connectens*. The Bond, Covenant, or Compact, by which a King and his Subjects are mutually bound to one another, *Hunc ad Protectionem, & justum Regimen: illud ad Tributa & debitam subjectionem*. The King is bound to Protection, and just Rule and

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and Government: the People to pay Tribute and due Subjection. The learned *Spellman*, Gloss. Dr. *Robert Austin*, who hath taken pains to state it, according to the Resolution of the Judges in *Calvin's Case*, gives this description of Allegiance. "Ligeance is a Quality of Soul, whereby we are disposed to bear all Truth and Faith to the Person of the King, his Crown and Dignity, ready to yield him all true Obedience, according to the Laws of Nature, of God, and the Realm wherein we live. *Traict of Allegiance not impeach'd by the Parliaments taking Arms.* c. 2.

8. Let us revive the Oaths wherein the promise of Fidelity is made, and thence also gather something for our direction in this Case. And here, I will begin.

1. The Case is hardest upon them, who took the Oaths since the late King did manifestly act contrary to the Duty of his Place. But yet, the words of the Oath, are expressly made to him; *believing him to be the Lawful and Rightful King of this Realm.* Now he is Lawful King, who hath a Lawful Right, and is no Pretender or Usurper; or he is Lawful King, who is no Tyrant in Exercise, nor Usurper of Power above or contrary to Law. How any Man could understandingly swear, his belief of his being Lawful King, without such a distinction, I cannot conceive. And then it is to be considered, that he is the lawful King who governs according to Law, or at least not contrary to Law in the main; and then he being the King recognized by the Subject, who swears Allegiance to him, if he prove quite contrary, How can he, who own'd him under a true Notion of him, be bound to him, when he is corrupted from what he was taken to be? He took him for his King, who is King by Law, and doth not bend himself to overthrow it; but when he ceaseth to govern his Subjects as Subjects, he disclaims the governing them as Subjects, and his own being their King, saith Dr. *Falkner. Chr. Loyalty, l. 2. c. 5. p. 544, &c.* The Relation of an English Subject, is to an English, not an Absolute King. If one term of the Relation be chang'd or ceased, the Obligation of the other Relate, and Correlate, ceaseth. *Cessante personâ*

*personâ relata naturali cessat obligatio personalis. Cessante relatione vel personâ Civili, cessat obligatio talis, quâ talis.* The natural Father dying, the relation to him is at an end, and the Obligation to Duty is dissolved. The moral and political Relation, and political Person ceasing to be what he ought to be, the Relation and Obligation dies. A King is not bound to govern or protect Traitors. Nor are Subjects bound to Allegiance and Obedience to him that is not their King. See the *Christian Directory*; *Cases, Obligation of Vows, and Promises*, p. 703. And Mr. Lawson is short and positive; "The personal Majesty of a King with us, requires subjection whilst he lives, and governeth according to Law; but upon his Death, for Tyranny in Exercise, or acting to the Dissolution of the Fundamental Constitution, he ceaseth to be a Sovereign, and the obligation as to Him ceaseth, p. 214. *Polit. Sacra & Civilis*. In a word, so many ways as Majesty and Sovereignty may be lost, so many ways this Obligation may be lost. *Ibid*.

2. All that concerns the Papal pretended Powers (of doing Evil) in the Oath, remains true for ever. The only Clause in the Oath, in which any can think himself concerned, is the Promise; "I will bear faith and true Allegiance to his Majesty his Heirs and Successors, and Him and them will defend to the uttermost of my Power against all Conspiracies and attempts whatsoever. The resolution of this Doubt depends upon the former. Plots and treacherous Conspiracies, are practices unworthy of Christians against the worst of Tyrants. The ways of defence must be lawful. But who was that King which you promised to defend, and to bear Faith to? Was it not to your Lawful King, in the lawful Exercise of his Authority? If you were a Servant to his Arbitrary Will, if you had defended him, and served him to persecute the true Religion, or to remove and corrupt it, or to set up Arbitrary Power, you were a Traitor against God and your Country. Your Oath was a Bond of Iniquity, and ought now to be repented of: Had you fought for him when he was gone to the Camp to fight against the

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Kingdom, you had been a Traitor to *England*, for whose good only Kings are ordained.

3. If you are ensnared with the Opinion of the pretended Prince of *Wales's* being the next Heir, you are to be pitied if you are sincere in your Opinion. The great Convention, the highest Judges in the Kingdom, saw the Depositions in favour of his Royal Birth, and Natural Descent; and what swaying Presumptions and Reasons are produced and publish'd against him; and have rejected him, and judged him no lawful Heir. And if you had much more to confirm your Opinion of his Birth, you ought to acquiesce in their Highest Judgment and Determination. And if you believe never so honourably of the late King, that he would not impose upon us, yet he might be imposed upon. But when we consider how Popish Principles corrupt Nature, you have no reason to be confident. And if you are not forestall'd and partial, you have much more reason to believe, that our Gracious King and Queen, who express uprightness in all that they speak or do, that they would abhor to deprive a Right Heir of the Priviledg of his Birth, to gain a Kingdom too soon; when they were no further distant from it, and stood in so little need of it.

4. But then, if you insist upon it, Why did not the undoubted Heir succeed in Order? This is one of our marvellous Blessings; and we have cause to acknowledg the Wisdom and Goodness of our Queen, that she consented to, and approved of the Method and Order of the Settlement of the Crown, by a wise Act of the Convention, to cut off Debates, and to shorten the way to a happy Settlement. If her Majesty be well pleased, and her Royal Highness in a better state than she was in before, what Cause have you to be dissatisfied? There is no such exactness and niceness to be found in most of our Successions in the Throne. *Peter Martyr* was a very wise and learned good Man, and his words are worth our following; *Nibil anxie disputandum est, quo jure, quare injuriâ Principes adepti sunt suam potestatem. Illud potius agendum est, ut Magistratus presentes revereamur*; in *Rom. c. 13. v. 1.* Let us not anxiously dispute Princes Titles; let us rather mind this, that we honour

nour

nour and fear the present Magistrates. I do not speak this, as if I doubted the lawfulness of the present happy, happy Settlement; but for your sake. King James the First spake it; "I am since come to that Knowledge, that an Act of Parliament can do greater Wonders, than unite Scotland to England, by the Name of Great Britain. And that old wise Man, Treasurer Burleigh, was wont to say, "He knew not what an Act of Parliament can do in England; Speech in Star-Chamber. And some great Lawyers, in a Parliament of Queen Elizabeth, Mr. Tolverton, afterwards Speaker and Judge, said, "That to say the Parliament had no Power to determine of the Crown, was High Treason. And Mr. Mounson said, "It were horrible to say, that the Parliament had no Authority to determine of the Crown; Sir S. Dew's Journal, p. 164, 176.

And what cannot a Convention, a Representative of the Community do? and what Parliament will not confirm what they have done? And what good Man will be so cloudy and sullen, as not to rejoice for what is done, to the unspeakable Comfort of Protestant Countries, and of our own Times, and Posterity after us, if we sin not away our Mercies.

These Things thus considered; I pray give me leave to come up close to you.

1. Do you think in your Conscience, that James the Second did govern the Nation according to Law? Did he chuse the most of his Judges to do impartial Justice? Did he really design a pack'd Parliament for the good of the Protestant, the Protestant Religion, the Church of England, and our Brethren abroad? Was his daily augmented Army, for our Protection, and Defence, or not? Did many Noble Officers, and others of his Army, believe it? Why did not they defend and assist him then? And do you hold your self bound in Allegiance to such a King? Shew me such a King constituted by our Laws: shew me Law for such Allegiance. See the words of Sir Henry Spelman above; What Legiance binds the King to, and upon what condition we promise Allegiance.



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K. But if he break with me, I will keep Oath to him, and be his Liege Subject.

T. You will! If he then at this time should send an Express to you to come to him, and serve him in your Person, in your Parle, in your Capacity, with your Counsel; and that against your own Native Country, would you go? Would you serve him in his Wars against us? If not, what signifies your Allegiance? If you assist, are you not a Traitor to God and your Countrey, to whom your Allegiance is due, before it is due to the King. Remember your Duty to serve the King, is in God, and for God, and not for Popery against God; so the Prayer in the Communion.

K. But I will not oppose his Return, if he should attempt it, to recover his own Lawful Inheritance, and to rule his People.

T. If ever he should attempt to return, you think it will be by Force, don'd ye? And do you think it will be, to be a Nursing-Father to the Church, and a gracious Governour over the People? or will it not rather be to Revenge, and Conquer, and with more Curses from the Pope, and Fire in his Bosom against Protestants, and Fury for Popery? And you will not as much as pray against him, nor be delivered from him, nor help to preserve our Religion and Country from Popish Tyranny? without which you cannot rationally look for him, if the way were never so open and easy.—

Will you be ever able to prove a Popish King to be a Lawful King of *England*? when you do, then you will have an answer to this Argument. That King who according to the Principles of his Religion, and consequently the perswasion of his Conscience, must endeavour to promote his Own, and to root out our Religion, and with it our Laws by which it is established, is a King inconsistent with his Government, and drives contrary to the End of it, and by consequence is no King for such a Kingdom. But a Popish, (especially a Jesuited King, as they boast him to be) is such a King: therefore, &c. And will you assist and serve such a King, as bound in Conscience? then your Oath

Oath is, *vinculum iniquitatis*; and by it you cannot assist him, but you must do Iniquity, or neglect a Duty, and violate the Bonds of all other Relations. Can the performance of your Oath to *James* the late King, consist with the publick Safety and Welfare of the Church and Kingdom? Then, *non est servandum juramentum, cujus Executio, cum salute publicâ, cum honestate & bonis moribus pugnaret*: You a Doctor, I will not English it, I have neither Time, nor Paper to spare. It is a Rule about Oaths, among others, laid down by the excellent *River*; *Explic. Decal. Juramenti obligatio qualis*. Can your late King give you Protection, and the Benefit of Laws? If not, can you think your self bound in Conscience to be his Subject, and owe him Allegiance? Kings are the Shields of the Earth, to give Protection. Therefore they are chosen of Men, and given of God. That's the Consideration that moves you to subjection: if that cannot be had from Him, are you not free? That's the Lige, the Ligeance between the King and Subject; if he cannot, and that by his Fault, the Bond is dissolved: Who broke first? he with the Kingdom, or his Subjects with him? *Si una partium prior juramentum violaverit in re mutuo promissa, altera solvitur obligatione*; *River. L. cit.—R. 4.*

*K.* But he was Disabled, he was forced by his Subjects. And therefore it is not his fault that he cannot govern or protect.

*T.* He was despirited by him who cutteth off the Spirit of Princes, and disabled, to a Wonder of Divine Power over him. Did he grant what his Subjects desired, according to their Right and Duty? or hath he ever since his going, made an offer to return to *govern by Law*? You know his Mind, and his Engagements; blind not your self. Was the least Violence offered, or threatned, if he would stay, and not begon?——I know who said it, but doth he not wrong our King and Nobles? To ease you by a Conclusion, Doctor, hath God wrought any Deliverance for us? If not, where are your Senses? if he hath; why will you not help us to thank God our Saviour? And why will you not own Our Instrumental Saviour? you will pray him in Grumbling, and Withdrawing, and Disobedience, and omission of Duty! Is that

## A Debate between Dr. King's-man, &amp;c.

that the way on't ? — I must beg pardon for this Liberty, and do remember, that if God and Man set a King and Queen to bear Rule, I believe our King and Queen to be by Divine Designation, and Humane Lawful Ordination. I owe, and hope to pay true Allegiance to them, and therefore I owe none to any other King. If our King and Queen give you the Benefit of their Protection, the Benefit and Comfort of the true Religion, and the Peace of your Country, as you may have, while they have it, you will be obliged in Conscience to pay Allegiance to them ; and you cannot pay Allegiance to two contrary Supremes ; if you owe to Our King and Queen, you owe it not to Him that was once your King. Sir, I have no pique at any particular Person, to expose or displease, my Design is Charity, and to serve the Common-Good. And if I have done any acceptable Service to God, and any Neighbour, I shall be glad. *Glory to God on High, on Earth Peace, and good Will towards and among Men.*


## F I N I S.

## E R R A T A.

**P**age 3. line 5. read *afraid*. P. 6. in T. 2d, the Scripture doth constitute no perpetual Form, insert *no*. P. 13. l. 3. dele *whom*, and read, who is wonderful in working. P. 14. T. 2. dele *non*, and read *legibus solutus*. P. 23. Margin, r. Dr. *Fern*. P. 25. dele *Hobs* in the Margin, and after *Pol. Sacr. & Civil*, add c. 15. p. 125. And Answ. to *Hobs*, p. 17. begin the next Sentence. The Learned Author of the Rights of the Kingdom, &c. is a different Sentence.

The rest of the Sheets the Author did not see, therefore the Reader is entreated to correct or pardon the Printer's Faults therein.

*Books lately Printed and Sold by Jonathan Robinson, at the Golden Lion in St. Pauls Church-yard, relating to the great Revolutions and Affairs in England, 1688, 1689.*

 AN Account of the Reasons of the Nobility and Gentry's Invitation of the Prince of *Orange* into *England*; Being a *Memorial* from the English Protestants concerning their Grievances; with a large Account of the Birth of the Prince of *Wales*: presented to their Highnesses the Prince and Princess of *Orange*.

A Collection of Political and Historical Papers relating to the Present Juncture of Affairs in *England*, in Ten Parts; which will be Continued from Time to Time, according as Matter occurs.

A Brief History of the Succession of the Crown of *England*, &c. Collected out of the Records, and the most Authentick Historians; written for the Satisfaction of the Nation.

Wonderful Predictions of *Nostredamus*, *Grebner*, *David Pareus*, and *Antonius Torquatus*; wherein the Grandeur of their Present Majesties, the Happiness of *England*, and Downfall of *France* and *Rome* are plainly Delineated. With a large Preface, shewing, That the Crown of *England*, has not been obscurely foretold to their Majesties *William* the 3<sup>d</sup>, and *Queen Mary*, late Prince and Princess of *Orange*, and that the People of this Ancient Monarchy have duly contributed thereunto, in the present Assembly of Lords and *Commons*, notwithstanding the Objections of Men of different Extremes.

A Seasonable Discourse, wherein is examined, what is lawful during the Confusions and Revolutions of Government, especially in the Case of a King deserting his Kingdoms; and how far a Man may lawfully conform to the Powers and Commands of those, who with Various Successes hold Kingdoms. Whether it be lawful. (1) In Paying Taxes. (2) In personal Service. (3) In taking of Oaths. (4) In giving up himself to a final Allegiance.

A Seasonable Treatise; wherein is proved, That King *William* (commonly called the *Conqueror*) did not get the *Imperial Crown* of *England* by the Sword, but by the Election and Consent of the People. To whom he swore to observe the *Original Contract* between King and People.

An Answer to a Paper Intituled, *The Desertion Discussed*: being a Vindication of the Proceedings of the late Honourable Convention, in their Filling up the Throne with King *William* and *Queen Mary*.

An Exact Collection of the Debates of the House of Commons (particularly such as relate to the Bill of Exclusion, a Popish Successor, &c.) held at Westminster, Octob. 21. 1680; Prorogued the 10th, and Dissolved the 18th of January following. With the Debates of the House of Commons at Oxford, Assembled March. 21. 1680. Also a Just and Modest Vindication of the Proceedings of the said Parliaments.

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